

THE
STATUTES OF CALIFORNIA,

PASSED AT THE

NINETEENTH SESSION OF THE LEGISLATURE,

1871-72,

BEGAN ON MONDAY, THE FOURTH DAY OF DECEMBER, EIGHTEEN HUNDRED
AND SEVENTY-ONE, AND ENDED ON MONDAY, THE FIRST DAY OF
APRIL, EIGHTEEN HUNDRED AND SEVENTY-TWO.



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| 603 | An Act making appropriations for deficiencies in the appropriation made for the twenty-second and twenty-third fiscal years—approved April 1st, 1872..... | S. B. 502..... | 892 |
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| 606 | An Act to amend an Act entitled an Act to regulate fees and salaries of officers and defining their duties in the County of El Dorado, and other matters relating thereto, approved March five, eighteen hundred and seventy—approved April 1st, 1872..... | S. B. 491..... | 894 |
| 607 | An Act to amend an Act entitled "An Act to amend an Act concerning roads and highways in the County of Alameda," approved March twenty-fourth, eighteen hundred and sixty-two, approved March twenty-third, eighteen hundred and seventy-two—approved April 1st, 1872..... | A. B. 747..... | 895 |
| 608 | An Act to amend "An Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty," approved April nineteenth, eighteen hundred and fifty-six—approved April 1st, 1872..... | S. B. 307..... | 895 |
| 609 | An Act providing for the refunding of the bonded indebtedness of the County of Santa Clara—approved April 1st, 1872..... | S. B. 474..... | 896 |
| 610 | An Act to provide for the payment of the State's portion of the salary of the County Auditor and Assessor of Mariposa County—approved April 1st, 1872..... | A. B. 76..... | 899 |
| 611 | An Act to appropriate money for per diem of officers and clerks of the Assembly at the nineteenth session of the Legislature—approved April 1st, 1872..... | A. B. 699..... | 900 |
| 612 | An Act to provide for the payment of certain road indebtedness of Tuolumne County—approved April 1st, 1872..... | A. B. 738..... | 900 |
| 613 | An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco—approved April 1st, 1872..... | A. B. 767..... | 901 |

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| 615 | An Act to more clearly define the boundary line between the Counties of Lake and Yolo, in the State of California—approved April 1st, 1872..... | S. B. 507..... | 903 |
| 616 | An Act to appropriate funds for the relief of the several Orphan Asylums of this State—approved April 1st, 1872..... | S. B. 503..... | 903 |
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| 619 | An Act supplementary to an Act entitled an Act supplementary to an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight, approved February fifteenth, eighteen hundred and sixty-four—approved April 1st, 1872..... | A. B. 667..... | 906 |
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| 623 | An Act to fix the time for holding elections for members of Congress and to repeal certain Acts—approved April 1, 1872..... | A. B. 59..... | 910 |
| 624 | An Act supplementary to an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy—approved April 1, 1872..... | S. B. 401..... | 910 |
| 625 | An Act for the relief of A. F. Gray, Treasurer and ex officio Tax Collector of El Dorado County—approved April 1, 1872..... | A. B. 224..... | 911 |
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| 631 | An Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-six, eighteen hundred and sixty-six, approved March the twenty-eighth, eighteen hundred and sixty-eight—approved April 1st, 1872. | A. B. 659..... | 940 |
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| 635 | An Act to release the claim of the State of California to certain lands in Township Eleven North, Range Four East, Mount Diablo base and meridian—approved April 1st, 1872..... | A. B. 603..... | 948 |
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LIST OF OFFICERS.

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OF STATE OFFICERS, JUDGES OF SUPREME COURT, SENATORS, MEMBERS OF ASSEMBLY, AND PRESIDING OFFICERS OF BOTH HOUSES, IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

STATE OFFICERS.

| NAME. | OFFICIAL POSITION. | RESIDENCE. |
|--------------------------|--|------------------------|
| Newton Booth..... | Governor..... | Sacramento. |
| Romualdo Pacheco..... | Lieutenant Governor..... | San Luis Obispo. |
| Drury Melone..... | Secretary of State..... | San Francisco. |
| James J. Green..... | Controller..... | Marin. |
| Ferdinand Baehr..... | State Treasurer..... | San Francisco. |
| John L. Love..... | Attorney General..... | San Francisco. |
| Robert Gardner..... | Surveyor General..... | Humboldt. |
| Thomas A. Springer..... | State Printer..... | Amador. |
| H. N. Bolander..... | Superintendent Public Instruction..... | San Francisco. |
| Lucius H. Foote..... | Adjutant General..... | Sacramento. |
| R. O. Cravens..... | State Librarian..... | Placer. |
| Albert Hart..... | Governor's Private Secretary..... | San Francisco. |
| Jasper O'Farrell..... | State Harbor Commissioner..... | San Francisco. |
| Washington Bartlett..... | State Harbor Commissioner..... | San Francisco. |
| John Rosenfeldt..... | State Harbor Commissioner..... | San Francisco. |
| Rodmond Gibbons..... | Tide Land Commissioner..... | Alameda. |
| L. L. Bullock..... | Tide Land Commissioner..... | San Francisco. |
| Edgar Briggs..... | Tide Land Commissioner..... | San Francisco. |

JUDGES, CLERK, AND REPORTER OF SUPREME COURT.

TERM OF OFFICE FOR JUDGES, TEN YEARS.

| NAME. | OFFICIAL POSITION. |
|---------------------------|---|
| William T. Wallace..... | Judge (Chief Justice); elected October 20th, 1869. |
| Joseph B. Crockett..... | Judge; elected October 20th, 1869. |
| A. C. Niles..... | Judge; elected October 18th, 1871. |
| A. L. Rhodes..... | Judge; elected October 18th, 1871. |
| I. S. Belcher..... | Judge; appointed by Governor March 4th, 1872, vice Sprague, deceased. |
| R. Augustus Thompson..... | Reporter. |
| Grant I. Taggart..... | Clerk. |

SENATORS.

J. T. FARLEY.....President pro tem.

| NAME. | COUNTIES REPRESENTED. |
|--------------------------|-----------------------|
| Andross, M. C..... | Tuolumne. |
| Boggs, John..... | Colusa. |
| Boucher, David..... | Plumas. |
| Beck, Thomas..... | Santa Cruz. |
| Banvard, E. M..... | Placer. |
| Betge, Robert..... | San Francisco. |
| Comte, A. Jr..... | Sacramento. |
| Crane, L. T..... | Yuba. |
| Dyer, Barlow..... | Calaveras. |
| De Haven, J. J..... | Humboldt. |
| Duffy, James A..... | Sacramento. |
| Evans, George S..... | San Joaquin. |
| Farley, James T..... | Amador. |
| Fowler, Thomas..... | Tulare. |
| Finney, S. J..... | San Mateo. |
| Gwin, William M. Jr..... | Calaveras. |
| Goodale, David..... | Contra Costa. |
| Garratt, W. T..... | San Francisco. |
| Hutchings, Samuel C..... | Yuba. |
| Irwin, William..... | Siskiyou. |
| Keys, Thomas J..... | Stanislaus. |
| Kent, Charles..... | Nevada. |
| Larkin, Henry..... | El Dorado. |
| McKusick, H. J..... | El Dorado. |
| McCoy, James W..... | San Bernardino. |
| Macloy, Charles..... | Santa Clara. |
| McMurry, John..... | Trinity. |
| Minis, William..... | Yolo. |
| Neff, Jacob H..... | Placer. |
| O'Connor, M. P..... | Nevada. |
| Oulton, George..... | San Francisco. |
| Perkins, George C..... | Butte. |
| Pendegast, W. W..... | Napa. |
| Tompkins, Edward..... | Alameda. |
| Turner, H. K..... | Sierra. |
| Tuttle, B. F..... | Sonoma. |
| Van Ness, James..... | Santa Barbara. |
| Wilson, B. D..... | Los Angeles. |
| Wand, Thomas N..... | San Francisco. |
| Wing, Stephen..... | Tuolumne. |

OFFICERS OF THE SENATE.

| NAME. | OFFICIAL POSITION. |
|----------------------------|------------------------------------|
| Robert Ferral..... | Secretary of the Senate. |
| Thomas J. Shackelford..... | Assistant Secretary of the Senate. |
| James W. Hawkins..... | Sergeant-at-Arms. |
| J. B. Stevens..... | Minute Clerk. |
| J. M. Shannon..... | Assistant Sergeant-at-Arms. |
| N. L. Crawford..... | Engrossing Clerk. |
| Tod Robinson..... | Enrolling Clerk. |
| Juan J. de la Guerra..... | Journal Clerk. |

OFFICERS OF THE SENATE—Continued.

| NAME. | OFFICIAL POSITION. |
|--------------------------|----------------------------|
| Abraham Sites..... | Copying Clerk. |
| Edward Gallagher..... | Copying Clerk. |
| James P. Cunningham..... | Clerk at the Desk. |
| R. W. Pendegast..... | Clerk to Sergeant-at-Arms. |
| J. H. C. Bonta..... | Chaplain. |

MEMBERS OF ASSEMBLY.

T. B. SHANNON.....Speaker.

| NAME. | COUNTIES REPRESENTED. |
|-------------------------|-----------------------|
| Aldrich, W. A..... | San Francisco. |
| Andrews, A. R..... | Shasta. |
| Brown, C. L. B..... | Calaveras. |
| Burekhalter, J..... | Tulare. |
| Barklage, William..... | El Dorado. |
| Bayley, A. J..... | El Dorado. |
| Barnes, B. W..... | Plumas and Lassen. |
| Bell, Robert..... | Nevada. |
| Barker, S..... | Nevada. |
| Baird, Curtis..... | San Mateo. |
| Buckius, G. W..... | Santa Cruz. |
| Berry, C. P..... | Butter. |
| Bacon, P. B..... | Tuolumne. |
| Bradley, J. C..... | Yuba. |
| Coleman, Cyrus..... | Alpine. |
| Craus, E. T..... | Alameda. |
| Center, Samuel H..... | El Dorado. |
| Chalmers, Robert..... | El Dorado. |
| Caldwell, William..... | Sonoma. |
| Connolly, W. C..... | Tuolumne. |
| Cooper, J. H..... | Santa Barbara. |
| De Haven, W. N..... | Butte. |
| Days, J. M..... | Nevada. |
| Dannals, George W..... | San Diego. |
| Eagan, John A..... | Amador. |
| Ellis, A. A..... | Los Angeles. |
| Everett, Henry..... | Nevada. |
| Edgar, William..... | Yuba. |
| Freeman, F. S..... | Yolo. |
| French, C. G. W..... | Sacramento. |
| France, F. C..... | Santa Clara. |
| Gibson, J. L..... | Calaveras. |
| Galloway, Joseph W..... | Contra Costa. |
| Gray, Giles M..... | San Francisco. |
| Goodall, Charles..... | San Francisco. |
| Hayes, H. M..... | Monterey. |
| Hopper, P. J..... | Sacramento. |
| Harvey, Dr. O..... | Sacramento. |
| Henshaw, E. C..... | Sonoma. |
| Johnston, William..... | Sacramento. |
| James, W. T..... | San Francisco. |
| Jost, Charles..... | San Francisco. |

LIST OF OFFICERS.

MEMBERS OF ASSEMBLY—Continued.

| NAME. | COUNTIES REPRESENTED. |
|-------------------------|-----------------------|
| Lee, O. H..... | Placer. |
| Long, Henry..... | Placer. |
| Luttrell, J. K..... | Siskiyou. |
| Little, W. A..... | Siskiyou. |
| Lofton, F. R..... | Yuba. |
| Mott, T. D..... | Los Angeles. |
| Mathers, George B..... | Mendocino. |
| Mott, E. B. Jr..... | Sacramento. |
| Meeker, David..... | San Francisco. |
| McCullough, Samuel..... | San Francisco. |
| Munday, R. B..... | Sonoma. |
| Pardee, E. H..... | Alameda. |
| Rector, T. H..... | Klamath. |
| Russ, Joseph..... | Humboldt. |
| Rice, J. B..... | Marin. |
| Reed, H. R..... | San Francisco. |
| Schrack, L. M..... | Calaveras. |
| Stillwagon, W. W..... | Napa. |
| Sonsabaugh, J. R..... | Merced. |
| Slaughter, F. M..... | San Bernardino. |
| Shannon, T. B..... | San Francisco. |
| Splivalo, A. D..... | San Francisco. |
| Seibe, John..... | San Francisco. |
| Sargent, B. C..... | San Joaquin. |
| Sargent, J. P..... | Santa Clara. |
| Spencer, F. E..... | Santa Clara. |
| Sammons, B. J..... | Sierra. |
| Turner, J. N..... | Butte. |
| Tinnin, W. J..... | Trinity. |
| Ward, Loomis..... | Colusa. |
| Walker, I. N..... | Fresno. |
| Wilcox, John W..... | Mariposa. |
| Welty, Jacob..... | Placer. |
| Wheaton, William R..... | San Francisco. |
| Woodward, F. J..... | San Joaquin. |
| Whitney, D. L..... | Sierra. |
| Wright, M. J..... | Solano. |
| Whiting, George A..... | Tuolumne. |

OFFICERS OF THE ASSEMBLY.

| NAME. | OFFICIAL POSITION. |
|----------------------|-----------------------------|
| M. D. Boruck..... | Chief Clerk. |
| George W. Dixon..... | Assistant Clerk. |
| A. J. Rhoads..... | Sergeant-at-Arms. |
| G. Meredith..... | Assistant Sergeant-at-Arms. |
| Martin Rowan..... | Minute Clerk. |
| I. H. Reed..... | Enrolling Clerk. |
| J. R. Wilbur..... | Engrossing Clerk. |
| Albert Thompson..... | Journal Clerk. |
| I. Ayer..... | Copying Clerk. |
| F. Creque..... | Copying Clerk. |
| M. C. Conroy..... | Clerk to Sergeant-at-Arms. |
| H. Cummings..... | Chaplain. |

COMMISSIONERS OF DEEDS,

WITH NAMES, RESIDENCE, DATE OF APPOINTMENT, AND DATE OF
FILING OATH OF OFFICE.

EXTRACT

From an Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers, approved March twentieth, eighteen hundred and fifty:

SEC. 3. Before any Commissioner, appointed as aforesaid, shall proceed to perform any of the duties of his office, he shall take and subscribe an oath, before any officer duly authorized to administer oaths in the State for which such Commissioner may be appointed, that he will faithfully perform and discharge all the duties of his office, which oath shall be filed in the office of Secretary of State of California within six months after taking the same.

By said Act the Commissioner is "to continue in office four years."

ALABAMA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-------------------------|---------------------|-------------|----------------------|
| January 29th, 1870..... | Alex'der McKinstry. | Mobile..... | ..... |
| December 4th, 1871 ... | John C. Berry | Mobile..... | ..... |

ARKANSAS.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|----------------------|-------------------|------------------|----------------------|
| April 6th, 1872..... | Frank Strong..... | Little Rock..... | ..... |

CONNECTICUT.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|--------------------------|-------------------------|------------------|---------------------------|
| September 17th, 1868.. | William H. Nobles.. | Bridgeport |August 3d, 1869. |
| October 12th, 1868 | Edward Goodman..... | Hartford..... |December 4th, 1868. |
| January 9th, 1869..... | John C. Hollister | New Haven..... |February 20th, 1869. |
| March 22d, 1871 | W. E. Simonds..... | Hartford..... |April 8th, 1871. |
| December 9th, 1871... | Samuel Tweedy..... | Danbury ..... | ..... |
| March 18th, 1872..... | David G. Gordon..... | Hartford..... | ..... |

FLORIDA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-----------------------|----------------------|--------------------|----------------------|
| April 29th, 1872..... | Joseph H. Durkee.... | Jacksonville ..... | ..... |

GEORGIA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|---------------------|---------------|----------------------|
| March 27th, 1871 | B. K. Freeman | Atlanta..... |June 9th, 1871. |
| March 27th, 1872 | John W. Burroughs. | Savannah..... | ..... |

ILLINOIS.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|-----------------------|--------------|--------------------------|
| January 8th, 1869..... | Henry Wisner | Chicago..... |March 27th, 1869. |
| September 23d, 1869... | Philip A. Hoyne | Chicago..... |October 13th, 1869. |
| December 10th, 1869.. | Frank S. Balch | Chicago..... | ..... |
| June 29th, 1870 | Charles K. Nichols.. | Chicago..... |August 13th, 1870. |
| March 1st, 1872..... | Simeon W. King | Chicago..... |March 12th, 1872. |
| December 29th, 1871.. | S. S. Willard | Chicago..... | ..... |

COLORADO.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|----------------------|-----------------------|--------------|------------------------|
| May 4th, 1871..... | Robert S. Morrison... | Denver |August 4th, 1871. |

DISTRICT OF COLUMBIA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-------------------------|-----------------------|----------------------|------------------------|
| June 2d, 1869..... | John F. Cullen. | Washington City..... |June 22d, 1869. |
| July 2d, 1869 | Joseph T. K. Plant.. | Washington City..... | ..... |
| September 3d, 1869.... | Wm. D. Williams.... | Washington City..... | ..... |
| January 29th, 1870 | Frederick Koonen.... | Washington City..... | ..... |
| February 28th, 1870... | Malc'm Wallingford. | Washington City..... |August 1st, 1870. |
| December 12th, 1870... | Joseph T. K. Plant.. | Washington City..... |April 1st, 1872. |
| September 18th, 1871.. | A. G. Haley | Washington City..... | ..... |
| September 18th, 1871.. | John B. Motley..... | Washington City..... | ..... |
| April 6th, 1872..... | Nicholas Callan | Washington City..... | ..... |

INDIANA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-------------------------|---------------------|--------------------|----------------------|
| October 14th, 1869..... | L. R. Martin..... | Indianapolis | November 10th, 1869. |
| May 20th, 1872..... | George H. Campbell. | Indianapolis ..... | ..... |

IOWA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|----------------------|-------|------------|----------------------|
| | | | |

KANSAS.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-------------------------|----------------------|-------------------|----------------------|
| February 4th, 1871..... | E. N. O. Clough..... | Leavenworth ..... | ..... |

KENTUCKY.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-------------------------|--------------------|------------------|----------------------|
| August 9th, 1868..... | Francis Hagan..... | Louisville ..... | ..... |
| February 4th, 1871..... | H. W. Hawes..... | Louisville ..... | ..... |
| March 4th, 1871..... | N. R. Wilson..... | Louisville ..... | ..... |

LOUISIANA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-----------------------|----------------------|------------------|-----------------------|
| July 1st, 1868..... | T. M. Gill..... | New Orleans..... | November 27th, 1868. |
| July 2d, 1869..... | James Graham..... | New Orleans..... |July 27th, 1869. |
| December 6th, 1869... | John G. Eustis..... | New Orleans..... |July 21st, 1870. |
| April 18th, 1871..... | Alfred Ingraham..... | New Orleans..... |May 9th, 1871. |
| March 25th, 1872..... | Andrew Hero, Jr..... | New Orleans..... | ..... |
| April 6th, 1872..... | Oren D. Bragdon..... | New Orleans..... | ..... |

MAINE.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|--------------------|---------------|--------------------------|
| June 29th, 1870..... | Artemas Libby..... | Augusta ..... | ..... |
| August 19th, 1870..... | J. O'Donnell..... | Portland..... |October 11th, 1870. |

MARYLAND.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|-----------------------|-----------------|-----------------------|
| July 16th, 1868..... | Wm. W. Lattimer.. | Baltimore | September 28th, 1868. |
| April 30th, 1869..... | Herman L. Emmons. | Baltimore | May 28th, 1869. |
| May 14th, 1870..... | Charles F. Gelwicks.. | Hagerstown..... | June 7th, 1870. |
| July 2d, 1870..... | William B. Hill..... | Baltimore | August 17th, 1870. |
| June 24th, 1871..... | Thos. W. Rittenhouse | Rising Sun..... | August 16th, 1871. |
| August 4th, 1871..... | Samuel T. Morgan... | Baltimore ..... | ..... |
| February 27th, 1872... | James H. Buchanan.. | Baltimore | April 5th, 1872. |

MASSACHUSETTS.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|-----------------------|-------------------|--------------------------|
| August 3d, 1868..... | Augustus Scott..... | Boston |October 2d, 1868. |
| April 30th, 1869..... | Albert W. Adams.... | Boston |May 31st, 1869. |
| May 7th, 1869..... | Charles B. F. Adams | Boston |June 10th, 1869. |
| May 13th, 1869..... | Benj. A. G. Fuller... | West Roxbury..... |August 4th, 1869. |
| August 4th, 1869..... | Luke Lyman..... | Northampton..... | ..... |
| September 13th, 1869. | James B. Bell..... | Boston |October 16th, 1869. |
| September 13th, 1869. | David Sharp | Boston | November 13th, 1869. |
| September 23d, 1869... | Albt. F. Butterworth | Boston ..... | ..... |
| February 15th, 1870... | Samuel Jennison.... | Boston |March 29th, 1870. |
| June 29th, 1870 | Arthur Wm. Hobart. | Boston |July 26th, 1870. |
| July 2d, 1870..... | J. Henry Hill..... | Worcester |August 31st, 1870. |
| April 6th, 1871..... | Benjamin Pond..... | Boston ..... | ..... |
| April 8th, 1871..... | James M. Bunker.... | New Bedford..... |June 10th, 1871. |
| April 14th, 1871..... | George T. Angell..... | Boston ..... | ..... |
| July 7th, 1871..... | Henry J. Wells..... | Boston |August 17th, 1871. |
| April 6th, 1872..... | George A. Dary..... | Boston ..... | ..... |

MICHIGAN.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-----------------------|--------------------|--------------|-----------------------|
| June 2d, 1869..... | Wm. J. Waterman.. | Detroit..... |June 29th, 1869. |
| November 17th, 1871.. | Wm. N. Lander..... | Detroit..... | ..... |

MISSISSIPPI.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|----------------------|----------------------|-----------------|----------------------|
| June 13th, 1870..... | Leroy L. Key..... | Fayette ..... | ..... |
| June 13th, 1870..... | T. B. Dalton..... | West Point..... | ..... |
| July 20th, 1870..... | Lazarus Lindsey..... | Vicksburg ..... | ..... |

MISSOURI.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|----------------------|------------------|--------------------------|
| December 1st, 1869.... | James B. Clemens... | St. Louis..... | January 7th, 1870. |
| July 19th, 1870..... | James S. Garland.... | St. Louis. | October 13th, 1870. |
| March 4th, 1871..... | Austin Drake..... | St. Louis..... | April 3d, 1871. |
| December 9th, 1871... | Cullen M. Lincoln... | St. Joseph | .. December 26th, 1871. |
| December 15th, 1871.. | Henry Clusky..... | St. Louis..... | ..... |

MONTANA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-------------------------|--------------------|--------------------|----------------------|
| October 27th, 1870..... | C. C. Menaugh..... | Virginia City..... | ..... |
| February 5th, 1872.... | Seth Bullock..... | Helena ..... | ..... |

MINNESOTA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|----------------------|---------------------|-------------------|----------------------|
| March 9th, 1872..... | Charles McC. Reeve. | Minneapolis ..... | ..... |

NEW YORK.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|--------------------------|---|--|----------------------------|
| July 1st, 1868..... | John Bissell..... | New York City..... |August 15th, 1868. |
| July 14th, 1868..... | Josiah H. Bissell..... | Rochester..... |September 4th, 1868. |
| July 16th, 1868..... | J. C. Schooley..... | New York City..... |November 2d, 1868. |
| September 17th, 1868.. | Nathaniel Gill..... | New York City..... |November 9th, 1868. |
| September 17th, 1868.. | Henry C. Howells.... | New York City..... |October 31st, 1868. |
| September 17th, 1868.. | Joseph C. Levi..... | New York City..... |December 21st, 1868. |
| October 8th, 1868..... | Hiram L. Huston..... | New York City..... |December 26th, 1868. |
| November 13th, 1869.. | George R. Jaques..... | New York City..... |January 8th, 1869. |
| November 31st, 1868.. | Frederick N. Dodge.... | New York City..... |January 30th, 1869. |
| December 1st, 1868.... | Rufus K. McHarg..... | New York City..... |March 27th, 1869. |
| December 16th, 1868.. | Charles H. Hatch..... | New York City..... |February 17th, 1869. |
| December 16th, 1868.. | William S. Dunn..... | New York City..... |April 13th, 1869. |
| January 8th, 1869..... | Charles E. Patterson.. | New York City..... |April 15th, 1869. |
| February 3d, 1869..... | W. E. Osborn..... | Brooklyn..... |May 20th, 1869. |
| February 3d, 1869..... | Oliver P. C. Billings.. | New York City..... |April 5th, 1869. |
| February 24th, 1869.. | Joseph C. Lawrence.... | New York City..... |May 7th, 1869. |
| March 3d, 1869..... | Henry R. De Witt..... | New York City..... |May 12th, 1869. |
| March 29th, 1869..... | Christian Van Hesse.... | New York City..... |October 12th, 1870. |
| April 1st, 1869..... | Franklin A. Wilcox.... | New York City..... |May 21st, 1869. |
| April 15th, 1869..... | Daniel Whalen..... | New York City..... |May 28th, 1869. |
| April 23d, 1869..... | William H. Russell.... | New York City..... |June 22d, 1869. |
| April 30th, 1869..... | Horace Andrews..... | New York City..... |New York City..... |
| May 28th, 1869..... | Marshal Bell..... | New York City..... |New York City..... |
| June 2d, 1869..... | Theo'e F. Demarost.... | New York City..... |New York City..... |
| June 15th, 1869..... | J. Leander Starr..... | New York City..... |July 10th, 1869. |
| June 19th, 1869..... | David P. Hale, Jr.... | New York City..... |July 23d, 1869. |
| June 21st, 1869..... | Judson Jarvis..... | New York City..... |August 7th, 1869. |
| June 22d, 1869..... | John K. Hatkett..... | New York City..... |July 23d, 1869. |
| July 2d, 1869..... | Edward F. Corey, Jr... William D. Hennon.... | New York City..... New York City..... |October 21st, 1869. |
| August 28th, 1869..... | James M. Slevin..... | New York City..... |New York City..... |
| September 13th, 1869.. | A. Boyd Shedd..... | New York City..... |New York City..... |
| September 23d, 1869.. | Charles H. Phelps..... | New York City..... |New York City..... |
| September 23d, 1869.. | Alfred Wagstaff..... | New York City..... |New York City..... |
| November 3d, 1869..... | L. W. Sloat..... | New York City..... |Syracuse..... |
| December 1st, 1869..... | Chauncey B. Clark.... | Syracuse..... |New York City..... |
| December 23d, 1869.. | T. F. C. Demarest..... | New York City..... |April 22d, 1870. |
| January 5th, 1870..... | Alexander Ostrander.. | New York City..... |February 4th, 1870. |
| January 19th, 1870..... | Edward S. Clinch..... | New York City..... |March 23d, 1870. |
| February 3d, 1870..... | Arthur W. Knapp..... | New York City..... |March 31st, 1870. |
| February 15th, 1870.. | Clark Mason..... | Lyons..... |June 23d, 1870. |
| March 14th, 1870..... | J. T. Kilbreth..... | New York City..... |August 31st, 1870. |
| June 2d, 1870..... | William H. Melick..... | New York City..... |September 2d, 1870. |
| June 13th, 1870..... | George W. Colles..... | New York City..... |New York City..... |
| June 13th, 1870..... | Fred. R. Anderson..... | New York City..... |New York City..... |
| June 23d, 1870..... | A. De Witt Baldwin.... | New York City..... |August 9th, 1870. |
| July 2d, 1870..... | Marvin J. Merchant.... | New York City..... |August 8th, 1870. |
| July 2d, 1870..... | Edmund Webster..... | Rochester..... |New York City..... |
| July 2d, 1870..... | J. Spencer Smith..... | New York City..... |New York City..... |
| July 2d, 1870..... | S. N. J. Christopher s | New York City..... |August 25th, 1870. |
| July 2d, 1870..... | Thomas Vance..... | New York City..... |July 21st, 1870. |
| July 14th, 1870..... | Fordham Morris..... | New York City..... |September 21st, 1870. |
| July 21st, 1870..... | Thomas Sadler..... | New York City..... |September 22d, 1870. |
| July 29th, 1870..... | R. B. Martine..... | New York City..... |December 8th, 1870. |
| August 17th, 1870..... | Frank B. Schaffer..... | New York City..... |September 30th, 1870. |
| August 19th, 1870..... | W. B. Coleman..... | New York City..... |New York City..... |
| August 19th, 1870..... | Michael Phillips..... | New York City..... |New York City..... |
| September 1st, 1870..... | H. S. Fairchild..... | Rochester..... |New York City..... |
| September 7th, 1870..... | John H. Comer..... | New York City..... |New York City..... |
| October 20th, 1870..... | D. W. Esmonds..... | Newberg..... |February 23d, 1871. |
| October 28th, 1870..... | J. Warren Lawton..... | New York City..... | |

COMMISSIONERS OF DEEDS.

NEW YORK—Continued.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|--------------------------|------------------------|--------------------|---------------------------|
| December 13th, 1870.. | E. J. Moore | New York City..... | ..... |
| December 29th, 1870.. | Charles E. Crowell.. | New York City..... |January 26th, 1871. |
| January 31st, 1871..... | Miron Winslow..... | New York City..... | March 14th, 1871. |
| February 4th, 1871..... | E. B. Barnum..... | New York City..... | ..... |
| February 4th, 1871..... | Charles Nettleton..... | New York City..... | February 23d, 1871. |
| February 28th, 1871.. | Thomas H. Hay | New York City..... | May 15th, 1871. |
| March 4th, 1871..... | Lewis Hurst..... | Brooklyn ..... | ..... |
| March 22d, 1871..... | John D. Monell..... | New York City..... | March 26th, 1872. |
| April 1st, 1871..... | Calvin Goddard..... | New York City..... |October 30th, 1871. |
| April 12th, 1871..... | Chas. W. Anderson.. | New York City..... | May 15th, 1871. |
| May 1st, 1871..... | Jacob Du Boise..... | New York City..... |June 3d, 1871. |
| May 4th, 1871..... | David McAdam | New York City..... |July 5th, 1871. |
| July 7th, 1871..... | Franz Osteneich | New York City..... | ..... |
| July 10th, 1871..... | David Klein..... | New York City..... | ..... |
| August 9th, 1871..... | William F. Lete..... | New York City..... | October 7th, 1871. |
| July 31st, 1871..... | S. B. Goodale..... | New York City..... |August 17th, 1871. |
| August 30th, 1871..... | Gustavus G. Jenkins | New York City..... | ..... |
| September 18th, 1871.. | John E. Dow, Jr..... | New York City..... | ..... |
| September 18th, 1871.. | Francis B. Schaeffer. | New York City..... | ..... |
| September 21st, 1871.. | Edward Bissoll..... | New York City..... |October 25th, 1871. |
| October 26th, 1871..... | Samuel Adler..... | New York City..... | ..... |
| November 17th, 1871.. | M. H. Regensburger | New York City..... | January 10th, 1872. |
| November 25th, 1871.. | Joseph T. Brown | New York City..... |December 26th, 1871. |
| November 5th, 1871.. | Joseph B. Norris | New York City..... |December 26th, 1871. |
| December 9th, 1871..... | Anthony J. Thomas.. | New York City..... | ..... |
| January 10th, 1872..... | Charles H. Smith..... | New York City..... | ..... |
| February 1st, 1872..... | Henry C. Banks..... | New York City..... | March 25th, 1872. |
| February 22d, 1872..... | Mordecai Lewis..... | New York City..... | ..... |
| February 26th, 1872..... | William H. Clarkson | New York City..... |April 5th, 1872. |
| March 12th, 1872..... | Charles J. Bushnell.. | New York City..... |April 1st, 1872. |
| March 12th, 1872..... | Moses B. Maclay..... | New York City..... |April 15th, 1872. |
| March 27th, 1872..... | Sylvester Lay..... | New York City..... |April 15th, 1872. |
| May 4th, 1872..... | Joseph L. Fairchild.. | Buffalo..... | ..... |
| May 20th, 1872..... | Thomas Kilvert..... | New York City..... | ..... |
| May 20th, 1872..... | Watson Hildreth..... | New York City..... | ..... |
| May 23d, 1872..... | John Bissell | New York City..... | ..... |

NORTH CAROLINA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|---------------------|--------------|----------------------|
| February 25th, 1870... | Albert G. Hubbard.. | Newbern..... | ..... |
| July 20th, 1870..... | W. G. Morisa | Raleigh..... | ..... |

NEVADA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-----------------------|-----------------------|---------------------|---------------------------|
| August 22d, 1868. | Richard L. Thomas. | Virginia City..... |August 27th, 1868. |
| September 17th, 1868. | Thomas E. Hayden. | Reno |October 2d, 1868. |
| September 17th, 1868. | A. D. Rock..... | Treasure City..... |October 8th, 1868. |
| December 1st, 1868. | N. O. Arrington..... | Treasure Hill..... | |
| December 1st, 1868. | John Gray..... | Hamilton |December 31st, 1868. |
| January 8th, 1869. | George W. Roberts. | Hamilton |February 3d, 1869. |
| January 8th, 1869. | Richard W. Billett. | Hamilton | |
| January 8th, 1869. | R. D. Ferguson..... | Hamilton | |
| January 8th, 1869. | Samuel D. King..... | Carson City |January 26th, 1869. |
| January 12th, 1869. | Iver A. Weid..... | Hamilton | |
| January 13th, 1869. | John Bray..... | Hamilton |July 6th, 1869. |
| January 13th, 1869. | Henry M. Morgan. | Hamilton |February 8th, 1869. |
| January 25th, 1869. | Charles E. Harris. | Hamilton |February 1st, 1869. |
| January 29th, 1869. | S. P. Roberts..... | Treasure City..... | |
| January 29th, 1869. | H. B. Sieberst..... | Treasure City..... | |
| February 3d, 1869. | Curtis H. Lindley. | Treasure City..... |February 17th, 1869. |
| February 3d, 1869. | Levi P. Peck..... | Treasure City..... |May 8th, 1869. |
| February 3d, 1869. | C. W. Stiles..... | Hamilton | |
| February 27th, 1869. | John R. Kittrell. | Hamilton | |
| March 24th, 1869. | Alfred E. Shannon. | Hamilton |June 17th, 1869. |
| March 24th, 1869. | Elias Downes..... | Hamilton | |
| March 29th, 1869. | William P. Miller. | Treasure City..... | |
| March 29th, 1869. | M. J. McMannus. | Pioche..... |November 3d, 1869. |
| April 1st, 1869. | L. W. Greenwell. | Treasure City..... | |
| April 1st, 1869. | W. B. G. Keller..... | Treasure City..... | |
| April 1st, 1869. | Richard E. Posten. | Treasure City..... | |
| April 15th, 1869. | H. C. Lillie..... | Virginia City..... |July 16th, 1869. |
| April 28th, 1869. | Prescott Robinson. | Wadsworth..... | |
| April 30th, 1869. | John W. Grier..... | Silver City..... |May 7th, 1869. |
| April 30th, 1869. | Thomas B. Henley. | Elko |May 24th, 1869. |
| May 13th, 1869. | H. M. Johnson..... | Treasure City..... | |
| June 2d, 1869. | William Smith..... | Treasure City..... |June 11th, 1869. |
| June 2d, 1869. | Joel A. Harvey..... | Wadsworth..... |June 7th, 1869. |
| July 2d, 1869. | David McKee..... | Hamilton | |
| July 20th, 1869. | George B. Hudson. | Mineral City..... | |
| July 20th, 1869. | Hugh M. Gregory. | Mineral City..... |August 14th, 1869. |
| August 4th, 1869. | Daniel St. C. Stevens | Hamilton |August 31st, 1869. |
| August 19th, 1869. | Charles H. Fish..... | Virginia City..... |August 23d, 1869. |
| August 24th, 1869. | W. W. Hobart..... | Hamilton |August 31st, 1869. |
| December 1st, 1869. | F. A. Rogers..... | Elko |December 18th, 1869. |
| January 12th, 1870. | Will. N. Rabbitts. | Carlin..... |March 14th, 1870. |
| April 22d, 1870. | O. M. Evans..... | Unionville | |
| June 13th, 1870. | John S. Bowker..... | Reno |June 20th, 1870. |
| July 20th, 1870. | Henry Rives..... | Pioche City..... |August 4th, 1870. |
| July 20th, 1870. | Will. H. Burrall..... | Virginia City |July 26th, 1870. |
| December 14th, 1870. | James M. Meredith. | Aurora |January 26th, 1871. |
| January 7th, 1871. | E. B. Stonehill..... | Hamilton |January 20th, 1871. |
| January 12th, 1871. | George W. Kinney. | Eureka..... |April 14th, 1871. |
| February 4th, 1871. | James E. Dealy..... | Carson |April 14th, 1871. |
| March 4th, 1871. | Frederick Elliott. | Eureka..... |August 28th, 1871. |
| May 30th, 1871. | Daniel A. Bender. | Reno |June 24th, 1871. |
| May 31st, 1871. | H. M. Barns..... | Pioche |May 31st, 1871. |
| November 4th, 1871. | H. R. Breakey..... | Pioche | |
| December 29th, 1871. | William Timson. | Hamilton |May 7th, 1872. |
| May 23d, 1872. | George W. Lamb.... | Mineral City..... | |

NEW HAMPSHIRE.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-----------------------|---------------------|------------------|-------------------------|
| November 13th, 1868.. | Edmund Burke..... | Newport..... | March 27th, 1869. |
| December 9th, 1870... | William H. Hackett. | Portsmouth | ..December 31st, 1870. |

NEW JERSEY.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-----------------------|--------------------|---------------|-----------------------|
| May 21st, 1868..... | W. B. Maxson..... | Newark..... |July 11th, 1868. |
| August 4th, 1869..... | A. J. Sanford..... | Paterson..... | ..... |

NEBRASKA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-----------------------|--------------------|-------------|----------------------|
| December 14th, 1870.. | E. M. Corvell..... | Hebron..... | ..... |

NEW MEXICO.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-------------------------|-----------------|-----------------|----------------------|
| October 27th, 1870..... | John Watts..... | Santa Fee.... . | ..... |

OHIO.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-------------------------|----------------------|------------------|---------------------------|
| December 1st, 1868..... | Samuel E. Crawford. | Cincinnati |January 13th, 1869. |
| August 4th, 1869..... | James Wade, Jr..... | Cleveland |August 27th, 1869. |
| May 25th, 1870..... | Samuel S. Carpenter. | Cincinnati ..... | ..... |
| June 13th, 1870..... | Allen T. Brinsmade.. | Cleveland |December 17th, 1870. |

OREGON.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-------------------------|-----------------------|------------------|---------------------------|
| December 16th, 1868.. | Thos. D. Winchester. | Empire City..... |February 3d, 1869. |
| February 3d, 1869..... | Octavius F. Bell..... | Portland..... |February 20th, 1869. |
| May 4th, 1869..... | Charles A. Gardner.. | Portland..... |May 19th, 1869. |
| February 8th, 1870..... | D. W. Williams..... | Portland..... |March 10th, 1870. |
| March 7th, 1870..... | George H. Durham... | Portland..... |February 9th, 1870. |
| June 13th, 1870..... | Seth R. Hammer..... | Salem..... | ..... |
| October 27th, 1870..... | John C. Carroll..... | Portland..... |January 31st, 1871. |
| March 10th, 1871..... | Alex. B. Macready ... | Portland..... |March 31st, 1871. |
| March 30th, 1871..... | William Borrowe..... | Portland..... | ..... |
| April 14th, 1871..... | A. S. Goss..... | Portland ..... | ..... |
| June 24th, 1871..... | Andrew J. Moses..... | Portland..... |August 17th, 1871. |

PENNSYLVANIA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-------------------------|------------------------|--------------------|---------------------------|
| July 25th, 1868..... | C. E. Morgan..... | Philadelphia ..... | ..... |
| January 8th, 1869..... | Theodore D. Rand.... | Philadelphia |February 17th, 1869. |
| April 30th, 1869..... | John M. McClaren... | Pittsburg..... |June 15th, 1869. |
| April 30th, 1869..... | Joshua Spring..... | Philadelphia |May 28th, 1869. |
| September 3d, 1869.... | John Hancock..... | Philadelphia ..... | ..... |
| December 6th, 1869.... | Henry Phillips, Jr.... | Philadelphia |January 15th, 1870. |
| February 3d, 1870..... | F. Herbert Janvier... | Philadelphia |March 16th, 1870. |
| February 15th, 1870.... | Samuel L. Taylor..... | Philadelphia |March 22d, 1870. |
| March 7th, 1870..... | W. Gibson Field..... | Easton |April 13th, 1870. |
| May 17th, 1870..... | S. W. Pennypacker.. | Philadelphia |June 10th, 1870. |
| July 2d, 1870..... | Charles Canvery..... | Philadelphia |October 4th, 1870. |
| July 20th, 1870..... | Samuel B. Huey..... | Philadelphia |August 25th, 1870. |
| October 20th, 1870..... | David Tine..... | Philadelphia |November 30th, 1870. |
| January 13th, 1871..... | J. Paul Diver..... | Philadelphia |February 16th, 1871. |
| January 13th, 1871..... | Edward Shippen..... | Philadelphia |February 21st, 1871. |
| April 8th, 1871..... | Kinley J. Tener..... | Philadelphia |April 26th, 1871. |
| October 26th, 1871..... | William F. Robb..... | Pittsburg..... |November 13th, 1871. |
| February 23th, 1872.... | H. E. Hindmarsh..... | Philadelphia |April 1st, 1872. |
| March 15th, 1872..... | C. H. Krumhaar..... | Philadelphia ..... | ..... |

RHODE ISLAND.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|-------------------|-----------------|------------------------|
| February 16th, 1870... | Henry Martin..... | Providence..... |March 18th, 1870. |

SOUTH CAROLINA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|-----------------------|-----------------|-------------------------|
| July 16th, 1868..... | Frederick A. Ford.... | Aikin..... | ...September 1st, 1868. |
| February 25th, 1870... | Thomas Frost..... | Charleston..... | ..... |
| May 28th, 1872..... | Augustus E. Cohen... | Charleston..... | ..... |

TENNESSEE.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|----------------------|--------------|------------------------|
| July 2d, 1870..... | John P. Boughner.... | Memphis..... | ..... |
| September 12th, 1871.. | Henry F. Dix..... | Memphis..... |October 2d, 1871. |
| November 4th, 1871... | James E. Hall..... | Memphis..... | ..... |

TEXAS.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|-----------------------|------------------|-----------------------|
| February 14th, 1870... | E. C. Stockton..... | Houston ..... | ..... |
| June 13th, 1870..... | John W. McDonald... | Houston |April 1st, 1872. |
| July 2d, 1870..... | William H. Allen..... | Houston ..... | ..... |
| July 20th, 1870..... | James E. Rector..... | Austin..... | ..... |
| February 14th, 1871... | Robert D. Johnson... | Galveston..... |March 7th, 1871. |
| April 6th, 1871..... | James Anderson..... | Waco..... |May 20th, 1871. |
| April 6th, 1871..... | John T. Carey..... | Dallas..... |May 22d, 1871. |
| September 25th, 1871.. | E. W. Shands..... | Austin City..... | ..... |
| March 4th, 1872..... | D. U. Barziza..... | Houston ..... | ..... |

UTAH.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|-----------------------|---------------------|---------------------------|
| December 12th, 1870... | William P. Appleby. | Salt Lake City..... |January 2d, 1871. |
| December 12th, 1870... | A. S. Gould..... | Salt Lake City..... |January 2d, 1871. |
| April 26th, 1871..... | Michael Grogan..... | Salt Lake City..... | ..... |
| February 19th, 1872... | Charles A. Gould..... | Salt Lake City..... | ..... |
| February 19th, 1872... | William Clayton..... | Salt Lake City..... |February 19th, 1872. |
| February 26th, 1872... | James W. Stainburn. | Salt Lake City..... |March 21st, 1872. |

VERMONT.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-----------------------|-------------------|-----------------|-------------------------|
| November 13th, 1868.. | N. T. Sheafe..... | Derby Line..... | ...December 31st, 1868. |

VIRGINIA.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|---------------------|-----------------|--------------------------|
| September 17th, 1868.. | John B. Burton..... | Petersburg..... | ...February 19th, 1869. |
| June 13th, 1870..... | E. T. Winston..... | Richmond..... |October 15th, 1870. |
| September 7th, 1870... | T. W. Upshur | Richmond..... | ..... |

WISCONSIN.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|----------------------|-----------------------|----------------|------------------------|
| March 22d, 1871..... | Francis Bloodgood.... | Milwaukee..... |April 15th, 1871. |

WASHINGTON TERRITORY.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|--------------------|------------------|-------------------------|
| June 17th, 1868..... | F. P. Dugan..... | Walla Walla..... | ..... |
| September 13th, 1869.. | H. Parker..... | ..... | ..... |
| June 17th, 1870..... | E. L. Smith..... | Olympia ..... | ..... |
| October 5th, 1870..... | C. C. Perkins..... | ..... | .....November 2d, 1870. |
| December 16th, 1870... | Wm. W. Theobalds.. | Seattle..... |March 22d, 1871. |

GREAT BRITAIN.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|-------------------------|----------------------|-----------------|-------------------------|
| December 23d, 1869... | John Henry Grain... | London | ...February 12th, 1870. |
| January 25th, 1870.... | William Grain..... | London | ...January 17th, 1870. |
| January 26th, 1871..... | Edwin Hughes..... | Liverpool |May 11th, 1871. |
| June 9th, 1871..... | John Lenton Pulling. | London ..... | ..... |

MEXICO.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|---------------------|--------------------|----------------------|
| January 7th, 1871..... | Edward Gallagher... | Magdalena Bay..... | ..... |

SANDWICH ISLANDS.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|-------------------|----------------|----------------------|
| September 7th, 1870... | John H. Paty..... | Honolulu ..... | ..... |

GRAND DUCHY OF SAXE-WEIMAR.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|----------------------|---------------------|------------|----------------------|
| July 24th, 1869..... | Richard Starke..... | Jena..... | November 25th, 1869. |

IRELAND.

| Date of Appointment. | Name. | Residence. | Date of Filing Oath. |
|------------------------|------------------|--------------|-------------------------|
| December 17th, 1871... | John Lawles..... | Dublin | ...February 21st, 1872. |



Constitution of the United States.



CONSTITUTION OF THE UNITED STATES.

P R E A M B L E .

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

OF THE LEGISLATIVE POWER.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

OF THE HOUSE OF REPRESENTATIVES.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

OF THE SENATE.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

The Senate shall choose their other officers and have a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments; when sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

MANNER OF ELECTING MEMBERS.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

CONGRESS TO ASSEMBLE ANNUALLY.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

POWERS.

SEC. 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

Neither House during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

COMPENSATION, ETC., OF MEMBERS.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

MANNER OF PASSING BILLS, ETC.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

POWER OF CONGRESS.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coins, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings;

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

LIMITATION OF THE POWERS OF CONGRESS.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.

LIMITATION OF THE POWERS OF THE INDIVIDUAL STATES.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder or ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage; keep troops or ships of war in time of peace; enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

EXECUTIVE POWER.

SECTION 1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

MANNER OF ELECTING.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice President; but if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President. (1)

TIME OF CHOOSING ELECTORS.

The Congress may determine the time of choosing the Electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

(1) This clause has been superseded by the twelfth amendment to the Constitution.

WHO ELIGIBLE

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years and been fourteen years a resident within the United States.

WHEN THE PRESIDENT'S POWER DEVOLVES ON THE VICE PRESIDENT.

In cases of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

PRESIDENT'S COMPENSATION.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

OATH.

Before he enters on the execution of his office he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

POWERS AND DUTIES.

SEC. 2. The President shall be Commander in Chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the Courts of law, or in the heads of Departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

OFFICERS REMOVED.

SEC. 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

OF THE JUDICIARY.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court and in such inferior Courts as the Congress may from time to time ordain and estab-

lish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers, and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects.

JURISDICTION OF SUPREME COURT.

In all cases affecting Ambassadors, other public Ministers, and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

OF TRIALS AND CRIMES.

The trials of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may, by law, have directed.

OF TREASON.

SEC. 3. Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

STATE ACTS.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

PRIVILEGES OF CITIZENS.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

RUNAWAYS TO BE DELIVERED UP.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

NEW STATES.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States without the consent of the Legislatures of the States concerned, as well as of the Congress.

TERRITORIAL AND OTHER PROPERTY.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in

this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Sec. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.

AMENDMENTS.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislature of two thirds of the several States, shall call a convention for proposing amendments which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; *provided*, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

DEBTS.

All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States, under this Constitution, as under the Confederation.

SUPREME LAW OF THE LAND.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

OATH—NO RELIGIOUS TEST.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in Convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.

JOHN LANGDON,
NICHOLAS GILMAN.

MASSACHUSETTS.

NATHANIEL GORHAM,
RUFUS KING.

CONNECTICUT.

WILLIAM SAMUEL JOHNSON,
ROGER SHERMAN.

DELAWARE.

GEORGE READ,
GUNNING BEDFORD, JR.,
JOHN DICKINSON,
RICHARD BASSETT,
JACOB BROOM.

MARYLAND.

JAMES M'HENRY,
DANIEL OF ST. THOMAS JENIFER,
DANIEL CARROLL.

NEW YORK.

ALEXANDER HAMILTON.

NEW JERSEY.

WILLIAM LIVINGSTON,
DAVID BREARLY,
WILLIAM PATTERSON,
JONATHAN DAYTON.

PENNSYLVANIA.

BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUVERNEUR MORRIS.

VIRGINIA.

JOHN BLAIR,
JAMES MADISON, Jr.

NORTH CAROLINA.

WILLIAM BLOUNT,
RICHARD DOBBS SPAIGHT,
HUGH WILLIAMSOM.

SOUTH CAROLINA.

JOHN RUTLEDGE,
CHARLES C. PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

GEORGIA.

WILLIAM FEW,
ABRAHAM BALDWIN.

Attest: WILLIAM JACKSON, Secretary.

AMENDMENTS

TO THE

CONSTITUTION OF THE UNITED STATES.

ARTICLE I.

FREE EXERCISE OF RELIGION, ETC.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.—*[Proposed Sept. 25th, 1789; ratified Dec. 15th, 1791.]*

ARTICLE II.

RIGHT TO BEAR ARMS.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.—*[Id.]*

ARTICLE III.

NO SOLDIER TO BE BILLETED, ETC.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.—*[Id.]*

ARTICLE IV.

UNREASONABLE SEARCHES PROHIBITED.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.—*[Id.]*

ARTICLE V.

CRIMINAL PROCEEDINGS.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval

forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.—[*Id.*]

ARTICLE VI.

MODE OF TRIAL.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.—[*Id.*]

ARTICLE VII.

RIGHT OF TRIAL BY JURY.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise reexamined in any Court of the United States than according to the rules of common law.—[*Id.*]

ARTICLE VIII.

BAIL—FINES.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—[*Id.*]

ARTICLE IX.

RIGHTS NOT ENUMERATED.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.—[*Id.*]

ARTICLE X.

RIGHTS RESERVED.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.—[*Id.*]

ARTICLE XI.

LIMITATION OF JUDICIAL POWER.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by the citizens of another State or by citizens or subjects of any foreign State.—[*Proposed March 5th, 1794, ratified January 8th, 1798.*]

ARTICLE XII.

ELECTION OF PRESIDENT.

The Electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed,

to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such a number be a majority of the whole number of Electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.—[*Proposed Dec. 12th, 1803; ratified Sept. 25th, 1804.*]

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.—[*Declared ratified December 18th, 1865. U. S. Statutes at Large, Vol. 13, p. 175.*]

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Sec. 3. No person shall be a Senator or Representative in Congress, or Elector of President and Vice President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

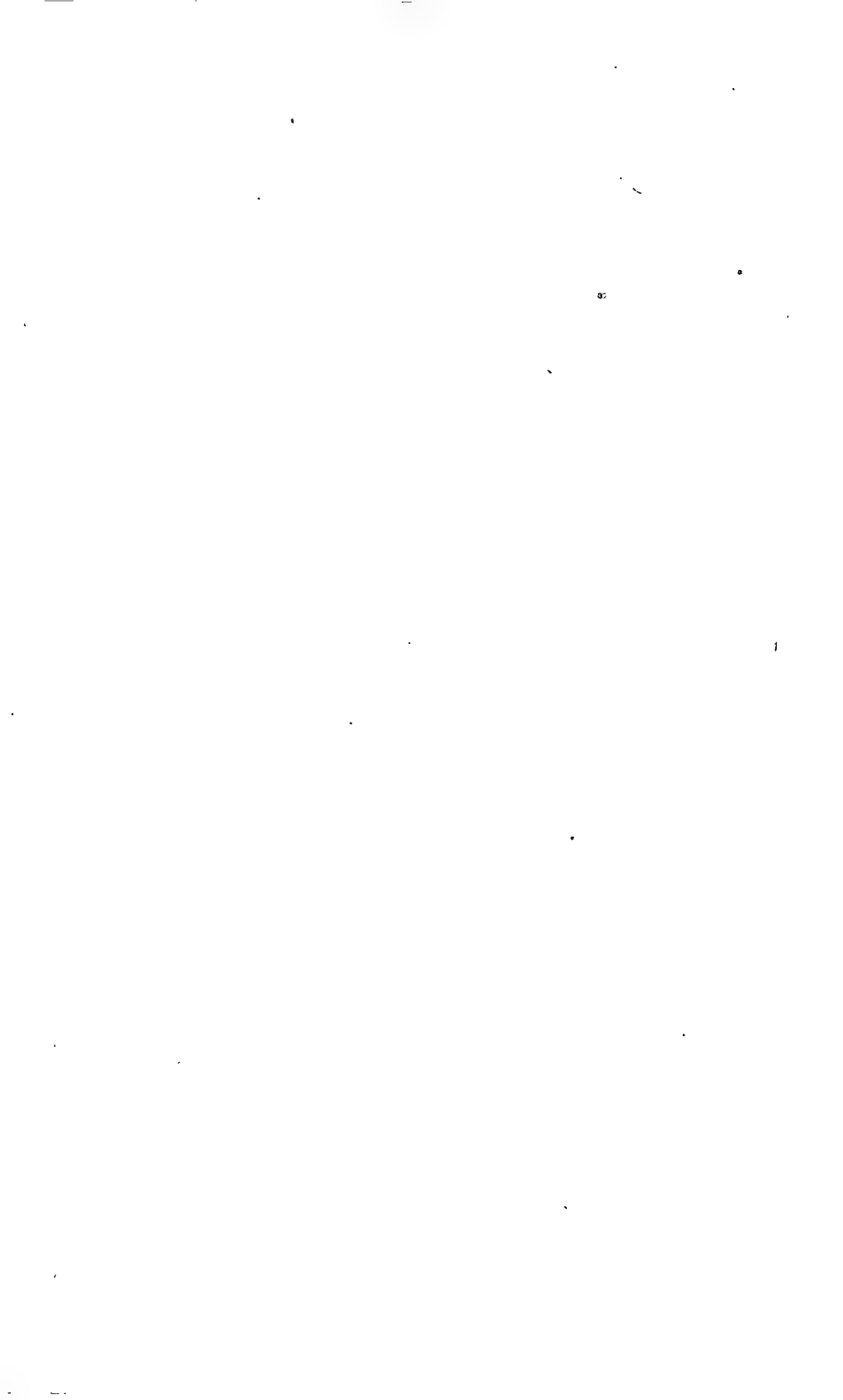
Sec. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Sec. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.—[*Declared ratified July 28th, 1868. U. S. Statutes at Large, Vol. 15, pp. 709-11.*]

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of servitude.

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.—[*U. S. Statutes at Large, Vol. 15, p. 346.*]



CONSTITUTION
OF THE
STATE OF CALIFORNIA.

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CONSTITUTION OF THE STATE OF CALIFORNIA.

ADOPTED BY THE CONVENTION, OCTOBER TENTH, EIGHTEEN HUNDRED AND FORTY-NINE; RATIFIED BY THE PEOPLE, NOVEMBER THIRTEENTH, EIGHTEEN HUNDRED AND FORTY-NINE; PROCLAIMED, DECEMBER TWENTIETH, EIGHTEEN HUNDRED AND FORTY-NINE; AND AMENDED, EIGHTEEN HUNDRED AND SIXTY-TWO.

WE, The People of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties, in all civil cases, in the manner to be prescribed by law.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great.

SEC. 8. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature) unless on presentment or indictment of a Grand Jury; and, in any trial in any Court whatever, the party accused shall be allowed to appear and defend, in person and

with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace; and, in time of war, no appropriation for a standing army shall be for a longer time than two years.

SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

SEC. 14. Representation shall be apportioned according to population.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 17. Foreigners who are or who may hereafter become bona fide residents of this State shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but for probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

SEC. 21. This enumeration of rights shall not be construed to impair or deny others retained by the people.

SEC. 22. The Legislature shall have no power to make an appropriation, for any purpose whatever, for a longer period than two years.—[Amended, 1871.]

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the thirteenth day of May, eighteen hundred and forty-eight, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law; *provided*, that nothing herein contained shall be construed to prevent the Legislature, by a two thirds concurrent vote, from admitting to the right of suffrage Indians, or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison.

SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 6. All elections by the people shall be by ballot.

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government of the State of California shall be divided into three separate departments: the Legislative, the Executive, and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases herein-after expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California, and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days.—[Amended, 1862.]

SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years.—[Amended, 1862.]

SEC. 4. Senators and members of Assembly shall be duly qualified electors in the respective counties and districts which they represent.

SEC. 5. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State and of the county or district for which he shall be chosen one year next before his election.—[Amended, 1862.]

SEC. 6. The number of Senators shall not be less than one third, nor more than one half, of that of the members of the Assembly; and at the first session of the Legislature after this section takes effect, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen biennially.—[Amended, 1862.]

SEC. 7. When the number of Senators is increased they shall be apportioned by lot, so as to keep the two classes as nearly equal in number as possible.

SEC. 8. Each House shall choose its own officers, and judge of the qualifications, elections, and returns of its own members.

SEC. 9. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

SEC. 10. Each House shall determine the rule of its own proceedings, and may, with the concurrence of two thirds of all the members elected, expel a member.

SEC. 11. Each House shall keep a Journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House on any question shall, at the desire of any three members present, be entered on the Journal.

SEC. 12. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 13. When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

SEC. 14. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

SEC. 15. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 16. Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other.

SEC. 17. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it he shall sign it, but if not he shall return it, with his objections, to the House in which it originated, which shall enter the same upon the Journal, and proceed to reconsider it. If, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two thirds of the members of each

House present, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law, in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return.

SEC. 18. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

SEC. 19. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Justices of the Supreme Court, and Judges of the District Court, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such a manner as the Legislature may provide.

SEC. 20. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

SEC. 21. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia to which there is attached no annual salary, or local officers and Postmasters, whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

SEC. 22. No person who shall be convicted of the embezzlement or defalcation of the public funds of this State shall ever be eligible to any office of honor, trust, or profit under this State; and the Legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement or defalcation as a felony.

SEC. 23. No money shall be drawn from the treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 24. The members of the Legislature shall receive for their services a compensation to be fixed by law, and paid out of the public treasury; but no increase of the compensation shall take effect during the term for which the members of either House shall have been elected.

SEC. 25. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title; and no law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be reenacted and published at length.

SEC. 26. No divorce shall be granted by the Legislature.

SEC. 27. No lottery shall be allowed by this State, nor shall the sale of lottery tickets be allowed.

SEC. 28. The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, in the years one thousand eight hundred and fifty-two and one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and those enumerations, together with the census that may be taken under the direction of the Congress of the United States, in the year one thousand eight hundred and fifty and every subsequent ten years, shall serve as the basis of representation in both Houses of the Legislature.

SEC. 29. The number of Senators and members of Assembly shall, at the first session of the Legislature holden after the enumerations herein provided for are made, be fixed by the Legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of members of Assembly shall not be less than twenty-four, nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand; and, after that period, in such ratio that the whole number of members of Assembly shall never be less than thirty nor more than eighty.

SEC. 30. When a Congressional, Senatorial, or Assembly District shall be composed of two or more counties, it shall not be separated by any county belonging to another District. No county shall be divided in forming a Congressional, Senatorial, or Assembly District so as to attach one portion of a county to another county; but the Legislature may divide each county into as many Congressional, Senatorial, or Assembly Districts as such county may by apportionment be entitled to.—[Amended, 1862.]

SEC. 31. Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes. All general laws and special Acts passed pursuant to this section may be altered from time to time, or repealed.

SEC. 32. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 33. The term corporations, as used in this Article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corpo-

rations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all Courts, in like cases as natural persons.

Sec. 34. The Legislature shall have no power to pass any Act granting any charter for banking purposes, but associations may be formed, under general laws, for the deposit of gold and silver; but no such associations shall make, issue, or put in circulation any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

Sec. 35. The Legislature of this State shall prohibit by law any person or persons, association, company, or corporation from exercising the privileges of banking or creating paper to circulate as money.

Sec. 36. Each stockholder of a corporation or joint stock association shall be individually and personally liable for his proportion of all its debts and liabilities.

Sec. 37. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

Sec. 38. In all elections by the Legislature, the members thereof shall vote *viva voce*, and the votes shall be entered on the Journal.

Sec. 39. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to Article IV by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby until the election and qualification of the several officers provided for in said amendments.—[Amended, 1862.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

Sec. 2. The Governor shall be elected by the qualified electors, at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election, and until his successor is elected and qualified.—[Amended, 1862.

Sec. 3. No person shall be eligible to the office of Governor (except at the first election) who has not been a citizen of the United States and a resident of this State two years next preceding the election, and attained the age of twenty-five years at the time of said election.

Sec. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of said persons so having an equal and the highest number of votes, for Governor.

Sec. 5. The Governor shall be Commander in Chief of the militia, the army, and navy of this State.

Sec. 6. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

Sec. 7. He shall see that the laws are faithfully executed.

Sec. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

Sec. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

Sec. 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

Sec. 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; provided, it be not beyond the time fixed for the meeting of the next Legislature.

Sec. 12. No person shall while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided.

Sec. 13. The Governor shall have the power to grant reprieves and pardons after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. He

severally, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished, during the term for which they shall have been elected; *provided*, that County Judges shall be paid out of the County Treasury of their respective counties.—[*Amended*, 1862.

SEC. 16. The Justices of the Supreme Court, and the District Judges, and the County Judges, shall be ineligible to any other office than a judicial office during the term for which they shall have been elected.—[*Amended*, 1862.

SEC. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.—[*Amended*, 1862.

SEC. 18. The style of all process shall be: "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.—[*Amended*, 1862.

SEC. 19. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article VI, by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded thereby, nor shall the organization of the several Courts be changed thereby, until the election and qualification of the several officers provided for in said amendments.—[*Amended*, 1862.

ARTICLE VII.

MILITIA.

SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 2. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

ARTICLE VIII.

STATE DEBTS.

SECTION 1. The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepalable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created; and such law shall be published in at least one newspaper in each Judicial District, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

ARTICLE IX.

EDUCATION.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-three, and every four years thereafter, at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.—[*Amended*, 1862.

SEC. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted by Congress on the sale of lands in this State, shall

be and remain a perpetual Fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

SEC. 3. The Legislature shall provide for a system of common schools by which a school shall be kept up and supported in each district at least three months in every year; and any school district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public Fund during such neglect.

SEC. 4. The Legislature shall take measures for the protection, improvement; or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State, for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent Fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

ARTICLE X.

MODE OF AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their Journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution.

SEC. 2. And if at any time two thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors at the next election for members of the Legislature to vote for or against a Convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a Convention, the Legislature shall, at its next session, provide by law for calling a Convention, to be holden within six months after the passage of such law; and such Convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention shall be submitted to the people, at a special election to be provided for by law, for their ratification or rejection. Each voter shall express his opinion by depositing in the ballot box a ticket, whereon shall be written or printed the words "For the New Constitution," or "Against the New Constitution." The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.—*Amended*, November 4, 1856.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The first session of the Legislature shall be held at the Pueblo de San José, which place shall be the permanent seat of government until removed by law; *provided*, however, that two thirds of all the members elected to each House of the Legislature shall concur in the passage of such law.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit or to enjoy the right of suffrage under this Constitution.

SEC. 3. Members of the Legislature and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

SEC. 4. The Legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the State.

SEC. 5. The Legislature shall have power to provide for the election of a Board of Supervisors in each county, and these Supervisors shall jointly and individually perform such duties as may be prescribed by law.

SEC. 6. All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 7. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office not fixed by this Constitution ever exceed four years.

SEC. 8. The fiscal year shall commence on the first day of July.

SEC. 9. Each county, town, city, and incorporated village shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

SEC. 10. The credit of the State shall not in any manner be given or loaned to or in aid of any individual, association, or corporation; nor shall the State, directly or indirectly, become a stockholder in any association or corporation.

SEC. 11. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

SEC. 12. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 13. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law; but Assessors and Collectors of town, county, and State taxes shall be elected by the qualified electors of the district, county, or town in which the property taxed for State, county, or town purposes is situated.

SEC. 14. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property, and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 15. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

SEC. 16. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 17. Every person shall be disqualified from holding any office or profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 18. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 19. Absence from this State on business of the State or of the United States shall not affect the question of residence of any person.

SEC. 20. A plurality of the votes given at any election shall constitute a choice, where not otherwise decided in this Constitution.

SEC. 21. All laws, decrees, regulations, and provisions which from their nature require publication shall be published in English and Spanish.

ARTICLE XII.

BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows:

Commencing at the point of intersection of forty-second degree of north latitude with the one hundred twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line in a southeasterly direction to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence, running west and along said boundary line, to the Pacific Ocean, and extending therein three English miles; thence, running in a

northwesterly direction and following the direction of the Pacific Coast, to the forty-second degree of north latitude; thence, on the line of said forty-second degree of north latitude, to the place of beginning. Also, all the islands, harbors, and bays along and adjacent to the coast.

SCHEDULE.

SECTION 1. All rights, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if the same had not been adopted.

SEC. 2. The Legislature shall provide for the removal of all causes which may be pending when this Constitution goes into effect to Courts created by the same.

SEC. 3. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby nor the laws relative to the duties of the several officers be changed until the entering into office of the new officers to be appointed under this Constitution.

SEC. 4. The provisions of this Constitution concerning the term of residence necessary to enable persons to hold certain offices therein mentioned shall not be held to apply to officers chosen by the people at the first election, or by the Legislature at its first session.

SEC. 5. Every citizen of California declared a legal voter by this Constitution, and every citizen of the United States a resident of this State on the day of election, shall be entitled to vote at the first general election under this Constitution, and on the question of the adoption thereof.

SEC. 6. This Constitution shall be submitted to the people for their ratification or rejection at the general election to be held on Tuesday, the thirteenth day of November next. The Executive of the existing Government of California is hereby requested to issue a proclamation to the people, directing the Prefects of the several districts, or, in case of vacancy, the Sub-Prefects or Senior Judge of First Instance, to cause such election to be held on the day aforesaid in their respective districts. The election shall be conducted in the manner which was prescribed for the election of Delegates to this Convention, except that the Prefects, Sub-Prefects, or Senior Judge of First Instance ordering such election in each district shall have power to designate any additional number of places for opening the polls, and that in every place of holding the election a regular poll list shall be kept by the Judges and Inspectors of Election. It shall also be the duty of these Judges and Inspectors of Election, on the day aforesaid, to receive the vote of the electors qualified to vote at such election. Each voter shall express his opinion by depositing in the ballot box a ticket whereon shall be written or printed "For the Constitution," or "Against the Constitution," or some such words as will distinctly convey the intention of the voter. These Judges and Inspectors shall also receive the votes for the several officers to be voted for at the said election, as herein provided. At the close of the election the Judges and Inspectors shall carefully count each ballot, and forthwith make duplicate returns thereof to the Prefect, Sub-Prefect, or Senior Judge of First Instance, as the case may be, of their respective districts; and said Prefect, Sub-Prefect, or Senior Judge of First Instance shall transmit one of the same, by the most safe and rapid conveyance, to the Secretary of State. Upon the receipt of said returns, or on the tenth day of December next, if the returns be not sooner received, it shall be the duty of a Board of Canvassers, to consist of the Secretary of State, one of the Judges of the Superior Court, the Prefect, Judge of First Instance, and an Alcalde of the District of Monterey, or any three of the aforementioned officers, in the presence of all who shall choose to attend, to compare the votes given at said election, and to immediately publish an abstract of the same in one or more of the newspapers of California. And the Executive will also, immediately after ascertaining that the Constitution has been ratified by the people, make proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

SEC. 7. If this Constitution shall be ratified by the people of California, the Executive of the existing Government is hereby requested, immediately after the same shall be ascertained, in the manner herein directed, to cause a fair copy thereof to be forwarded to the President of the United States, in order that he may lay it before the Congress of the United States.

SEC. 8. At the general election aforesaid, viz: the thirteenth day of November next, there shall be elected a Governor, Lieutenant Governor, members of the Legislature, and also two members of Congress.

SEC. 9. If this Constitution shall be ratified by the people of California, the Legislature shall assemble at the seat of Government on the fifteenth day of December next; and in order to complete the organization of that body the Senate shall elect a President pro tempore, until the Lieutenant Governor shall be installed into office.

SEC. 10. On the organization of the Legislature, it shall be the duty of the Secretary of State to lay before each House a copy of the abstract made by the Board of Canvassers, and, if called for, the original returns of election, in order that each House may judge of the correctness of the report of said Board of Canvassers.

SEC. 11. The Legislature, at its first session, shall elect such officers as may be ordered by this Constitution to be elected by that body, and within four days after its organization,

proceed to elect two Senators to the Congress of the United States. But no law passed by this Legislature shall take effect until signed by the Governor after his installation into office.

SEC. 12. The Senators and Representatives of the Congress of the United States elected by the Legislature and people of California, as herein directed, shall be furnished with certified copies of this Constitution, when ratified, which they shall lay before the Congress of the United States, requesting, in the name of the people of California, the admission of the State of California into the American Union.

SEC. 13. All officers of this State, other than members of the Legislature, shall be installed into office on the fifteenth day of December next, or as soon thereafter as practicable.

SEC. 14. Until the Legislature shall divide the State into counties and Senatorial and Assembly Districts, as directed by this Constitution, the following shall be the apportionment of the two Houses of the Legislature, viz: The Districts of San Diego and Los Angeles shall jointly elect two Senators; the Districts of Santa Barbara and San Luis Obispo shall jointly elect one Senator; the District of Monterey, one Senator; the District of San José, one Senator; the District of San Francisco, two Senators; the District of Sonoma, one Senator; the District of Sacramento, four Senators; and the District of San Joaquin, four Senators. And the District of San Diego shall elect one member of the Assembly; the District of Los Angeles, two members of Assembly; the District of Santa Barbara, two members of Assembly; the District of San Luis Obispo, one member of Assembly; the District of Monterey, two members of Assembly; the District of San José, three members of Assembly; the District of San Francisco, five members of Assembly; the District of Sonoma, two members of Assembly; the District of Sacramento, nine members of Assembly; and the District of San Joaquin, nine members of Assembly.

SEC. 15. Until the Legislature shall otherwise direct, in accordance with the provisions of this Constitution, the salary of the Governor shall be ten thousand dollars per annum; and the salary of the Lieutenant Governor shall be double the pay of a State Senator; and the pay of members of the Legislature shall be sixteen dollars per diem while in attendance, and sixteen dollars for every twenty miles traveled by the usual route from their residences to the place of holding the session of the Legislature, and in returning therefrom. And the Legislature shall fix the salaries of all officers other than those elected by the people at the first election.

SEC. 16. The limitation of the powers of the Legislature contained in Article VIII of this Constitution shall not extend to the first Legislature elected under the same, which is hereby authorized to negotiate for such amount as may be necessary to pay the expenses of the State Government.

WM. G. MARCY, Secretary.

R. SEMPLE,
President, and Delegate from Benicia.

JOSEPH ARAM,
CH. T. BOTTS,
ELAM BROWN,
ELISHA O. CROSBY,
JOSE M. COVARUBIAS,
STEPHEN C. FOSTER,
PABLO DE LA GUERRA,
LEWIS DENT,
KIMBALL H. DIMMICK,
A. J. ELLIS,
JOSE ANTO. CARRILLO,
WM. M. GWIN,
EDW. GILBERT,
HENRY HILL,
J. D. HOPPE,
JOSEPH JOHNSON,
JULIAN HANKS,
H. W. HALLECK,
L. W. HASTINGS,
J. McHENRY HOLLINGSWORTH,
JAS. McHALL JONES,
THOMAS O. LARKIN,
FRANCIS J. LIPPITT,
BENJ. S. LIPPINCOTT.

BENJ. F. MOORE,
RODMAN M. PRICE,
JNO. McDOUGALL,
MAN'L DOMINGUEZ,
MYRON NORTON,
PACIFICUS ORD,
MIGUEL D. PEDRORENA,
M. M. McCARVER,
ANTONIO MA. PICO,
JACINTO RODRIGUEZ,
HUGH REID,
J. A. SUTTER,
JACOB B. SNYDER,
WINFIELD SCOTT SHERWOOD,
WILLIAM E. SHANNON,
ABEL STEARNS,
P. SANSEVAIN,
WM. M. STEUART,
HENRY A. TEFFT,
M. G. VALLEJO,
THOS. L. VERMEULE,
J. P. WALKER,
O. M. WOZENCRAFT,

STATUTES.



STATUTES OF CALIFORNIA,

PASSED AT THE

NINETEENTH SESSION OF THE LEGISLATURE.

CHAPTER I.

An Act to appropriate money for the payment of Officers and Clerks of Assembly.

[Approved December 19, 1871.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twelve thousand dollars is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, for the following purposes, viz: for the payment of officers and clerks of the Assembly for the nineteenth session of the Legislature. Appropriation for Assembly, nineteenth session.

SEC. 2. This Act shall take effect immediately.

CHAPTER II.

An Act to provide for the payment of certain indebtedness against the State.

[Approved December 21, 1871.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the General Fund not otherwise appropriated the sum of fifty-seven thousand five hundred and forty-five dollars and printing. Appropriation for State printing.

nineteen cents (\$57,545 $\frac{19}{100}$) for the payment of claims for official advertising and printing which have already been audited and allowed by the State Board of Examiners during the twenty-third (23) fiscal year.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER III.

An Act to provide additional funds for the support of the Common Schools of Siskiyou County for the school year commencing on the first day of July, eighteen hundred and seventy-one, and ending the thirtieth day of June, eighteen hundred and seventy-two.

[Approved December 21, 1871.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Estimate
and report.

SECTION 1. It is hereby made the duty of the Superintendent of Common Schools for Siskiyou County to estimate and report to the Board of Supervisors of said county, at their next meeting after the passage of this Act, what amount of money will be necessary, in addition to what shall have been received and shall be receivable from the several sources of revenue now provided by law, to support schools in the several school districts of the county for a period of eight months in the current school year, ending on the thirtieth day of June, eighteen hundred and seventy-two.

Supervisors
to levy tax.

SEC. 2. The Board of Supervisors, at their meeting at which the report of the Superintendent of Common Schools provided for in the preceding section of this Act shall be made, shall levy a tax on the taxable property of the county of such number of cents on the one hundred dollars of valuation as they shall judge proper; *provided*, that they shall not levy a tax that will in their judgment produce a greater net revenue than will be necessary, with the funds received and receivable from other sources, to maintain the common schools of the several districts of said county for a period of eight months in the present school year, ending June thirtieth, eighteen hundred and seventy-two. The tax herein provided to be levied shall be levied on the property in the county as shown by the assessment roll for the year eighteen hundred and seventy-one; and it is hereby made the duty of the County Auditor to take said assessment roll, as soon as the Board of Supervisors levy the tax herein provided for, and compute the amount of taxes due on each parcel of property or from each person therein named, and perform such other acts as he is required by law to perform with regard to State and county taxes.

Sheriff ex
officio Tax
Collector.

SEC. 3. The taxes levied by authority of this Act shall be collected by the Sheriff of the county, as ex officio Tax Collector, in the same manner as State and county taxes are

collected; *provided*, that upon all sums so levied and assessed and not paid on or before the first day of April, eighteen hundred and seventy-two, a further sum of five per cent shall be added by the said Collector, and thereafter the said Collector shall continue the collection of the said tax and the additional five per cent until the first day of June, eighteen hundred and seventy-two, when all sums remaining then still unpaid shall be returned to the Auditor of said county as delinquent, and thereafter such proceeding shall be had thereon as is provided for the collection of State and county taxes; and on the first day of July, eighteen hundred and seventy-two, the said Auditor shall certify to the District Attorney the sums then remaining unpaid, if any, as in the case of State and county taxes is provided, and the District Attorney shall forthwith thereafter proceed to enforce the collection thereof in the same manner as is or may be provided for the collection of State and county revenue, and for that purpose the same rule of and like documentary evidence shall be received in all the Courts, with like effect for the enforcement of said taxes, as in other revenue cases provided.

Delin-
quent
taxes.

SEC. 4. The Sheriff of the county, as ex officio Tax Collector, shall, on the first Monday of each month after the aforesaid assessment roll shall have been delivered to him, report to the County Auditor the sums that have been thus far collected on said assessment, and shall pay the sums so collected, less his fees as hereinafter provided, to the Treasurer of said county, and he and his bondsmen shall be liable therefor as in other cases is provided.

Taxes to be
paid into
County
Treasury.

SEC. 5. The Auditor shall forthwith, upon the receipt of each report of monthly collections, certify the amount thereof to the Superintendent of Common Schools of the county, who shall forthwith proceed to apportion the same among the several school districts in said county, upon the basis of the estimated cost of maintaining said schools in the several districts for the period in the current year for which the Board of Supervisors shall undertake to provide by the tax herein authorized, not to exceed eight months.

Apportion-
ment.

SEC. 6. The Treasurer shall receive and be accountable for said Fund, and shall disburse the same in the same manner and by the same authority as is provided in the case of other school moneys coming into his possession, but shall not be entitled to any percentage or other compensation than the salary now allowed him by law for receiving or paying out said money.

Duty of
County
Treasurer.

SEC. 7. The Sheriff, as ex officio Tax Collector, shall be entitled to retain five per cent upon all sums so collected on or before the first day of April, eighteen hundred and seventy-two, and from and after that date he shall be entitled to retain the five per cent that shall on that day be added to all unpaid assessments on all sums thereafter collected, to and inclusive of the first day of June, eighteen hundred and seventy-two, as full compensation for his services in collecting said taxes.

Compensa-
tion of
Sheriff.

SEC. 8. The District Attorney shall be entitled to receive the same rate of compensation, and under the same conditions and limitations as is provided in other cases, for his full com-

Compensa-
tion of
District
Attorney.

pensation in enforcing payment of all delinquent taxes, as herein provided.

SEC. 9. All Acts and parts of Acts in conflict with this Act are hereby repealed, so far as the same apply to Siskiyou county.

SEC. 10. This Act shall go into effect and be in force from and after its passage.

CHAPTER IV.

An Act in relation to the Road Tax of the County of Alameda collected within the City of Oakland.

[Approved December 29, 1871.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County
Treasurer
to pay
over to
Treasurer
of City of
Oakland.

SECTION 1. So much of the road tax of the County of Alameda as has been or shall be hereafter assessed, levied, and collected upon property within the corporate limits of the City of Oakland shall be paid over by the Treasurer of said county to the Treasurer of said city, and shall become a part of the Street Fund of said city; *provided*, that only so much of said tax for the current fiscal year shall be paid over as is now unappropriated.

SEC. 2. All Acts and parts of Acts in conflict herewith, so far as they so conflict, are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER V.

An Act entitled an Act to authorize the Board of Supervisors of Solano County to levy an additional Road Tax.

[Approved December 29, 1871.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors
may levy
an addi-
tional road
tax, not to
exceed
twenty
cents on
the one
hundred
dollars.

SECTION 1. The Board of Supervisors of Solano County are hereby authorized and empowered, on or before the first Monday in April, A. D. eighteen hundred and seventy-two, and at their regular meetings in February, A. D. eighteen hundred and seventy-three, to levy an additional tax, not exceeding twenty cents on each one hundred dollars on all taxable property in said county. Said tax shall be assessed and collected in the same manner as other taxes are assessed and collected, and

when collected shall be paid into the Treasury and placed to the credit of the Road Fund of said county, and shall be subject to the order of the Board of Supervisors of said county. Said Fund shall be used for no other purpose than for the laying out and improving public roads and building and repairing bridges in Solano County.

SEC. 2. This Act shall remain in force until the first Monday in March, A. D. one thousand eight hundred and seventy-four, and no longer.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER VI.

An Act to establish and define the powers and duties of the Board of Education of the City of Petaluma.

[Approved January 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Education of the City of Petaluma shall consist of five School Directors, who shall be elected as follows, namely: two at the next ensuing charter election for city officers for said city, for the term of two years, and three at the next charter election thereafter, for two years; and at every subsequent charter election for city officers of said city there shall be alternately two and three School Directors elected to take the place of those whose term of office has expired—said term of office in each and every case to be for two years, and until a successor is duly elected and qualified; *provided*, that the present Board of School Directors of the City of Petaluma shall exercise, and are hereby authorized and empowered to exercise all the powers and duties hereinafter provided as appertaining to the Board of Education created by this Act. Said Board of Education shall meet within ten days after their election, and after qualifying as provided in section one hundred and eight of the revised School Law of one thousand eight hundred and sixty-six, shall elect one of their number President, and shall hold meetings monthly thereafter and at such other times as the Board may determine. A majority of all the members elect shall constitute a quorum to transact business, but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings. Its sessions shall be public, and its records shall be open to public inspection. The Board shall also have power to fill all vacancies occurring in the Board until the next charter election.

Election of School Directors, and their terms of office.

Monthly meetings.

Vacancies.

SEC. 2. The Board of Education shall have power:

First—To establish and maintain public schools, and to establish school districts and to fix and alter the boundaries thereof.

Powers of the Board of Education.

Second.—To employ and dismiss teachers, Janitors, and School Census Marshals, and to fix, alter, allow, and order paid their salaries and compensations, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board.

To make and enforce rules. *Third*.—To make, establish, and enforce all necessary and proper rules and regulations not contrary to the State law for the government and progress of public schools within said city, the teachers thereof, and the pupils therein, and for carrying into effect the law relating to education.

Incidental expenses. *Fourth*.—To provide for the school department of said city fuel and lights, water, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by said Board.

Build and furnish school houses. *Fifth*.—To build, alter, repair, rent, and provide school houses, and to furnish the same with proper school furniture, apparatus, and school appliances, and to insure any and all such school property.

Purchase and hold real estate. *Sixth*.—To receive, purchase, lease, and hold in fee in trust for the City of Petaluma any and all real estate, and to hold in trust any personal property that may have been acquired for the use and benefit of the schools of said city; *provided*, that no real estate shall be bought, sold, or exchanged without the consent of three members of the Board of Education and three members of the Board of Trustees of said city; and *provided* further, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots or the erection of school houses. The Board of Trustees of said city are hereby authorized and required to make over to said Board of Education, upon application in writing by said Board, through its President and Secretary, by good and sufficient deeds of conveyance, all property, both real and personal, now held by said Board of Trustees in trust for said city for the use and benefit of the public schools, and the said Board of Education is hereby authorized to defray all expense attending the same.

Seventh.—To grade, fence, and improve all school lots.

Estimate required. *Eighth*.—To determine annually the amount of moneys required for the support of the public schools and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision the Board of Education shall, on or before the first Monday in April of each year, submit in writing to the Board of Trustees of said city a careful estimate of the whole amount of money to be raised from the State and county and the amount required from the city for the above purposes, and the amount so found to be required from the city shall by the Board of Trustees of said city be added to the other amounts to be assessed and collected for city purposes; *provided*, that the amount to be thus assessed for school purposes shall not exceed thirty cents on each one hundred dollars valuation on the assessment roll, and that when collected it shall be immediately paid to the City Treasurer into the School Fund of said city, to be drawn out only upon the order of the Board of Education.

Revenue not to exceed thirty cents on the one hundred dollars.

Ninth—To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund. Disbursements.

Tenth—To discharge all legal incumbrances now existing or that may hereafter exist upon any school property.

Eleventh—To admit non-resident children and persons over twenty-one years of age to any of the departments of the schools upon the payment monthly in advance of such rates of tuition as said Board may establish. Rates of tuition in certain cases.

Twelfth—To prohibit any child under the age of six years from attending the public schools.

Thirteenth—And generally to do and perform such other acts as may be necessary and proper to carry into effect the powers conferred on said Board. General powers.

SEC. 3. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the Treasury payable out of the School Fund, or other matters relative to his official duties. May administer oaths.

SEC. 4. No School Director shall be interested in any contract pertaining in any manner to the school department of said city. All contracts in violation of this section are declared void, and any Director violating or aiding in violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by fine of not less than fifty nor more than five hundred dollars. Directors shall not be interested in contracts

SEC. 5. The said Board are hereby authorized to elect their own Secretary, who shall be a member thereof. The said Secretary shall be subject to removal at the pleasure of the Board. He shall report to the Board annually, and at such other times as they may require, all matters pertaining to the expense, income, and condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper. He shall observe and cause to be observed such general rules and regulations for the government and instruction of the schools, not inconsistent with the law of the State, as may be established by the Board of Education. He shall attend the sessions of the Board, and inform them at each session of the condition of the public schools, school houses, school funds, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city, and shall perform such other duties as may be required of him by the Board. He shall receive as compensation for his services, payable out of the School Fund, such sum as the Board of Education from time to time may allow. Secretary to Board, his duties and compensation.

SEC. 6. The School Fund of the City of Petaluma shall consist of all moneys received from the State and County School Fund, of all moneys arising from taxes which shall be levied annually by the Board of Trustees of said city for school purposes, of all moneys arising from the sale, rent, or exchange of any school property, and of such other money as may from any source whatever be paid into said School Fund, which Fund shall be kept separate and distinct from all other moneys and shall only be used for school purposes under the provisions of this Act; and if at the end of any fiscal year any surplus remains in the School Fund, such surplus shall be carried for- The School Fund.

ward to the School Fund of the next fiscal year, and shall not be for any purpose whatever withdrawn from said Fund, except under the provisions of this Act.

Applica-
tion of the
School
Fund.

SEC. 7. The School Fund shall be used and applied by said Board of Education for the following purposes:

First—For the payment of the salaries or wages of teachers, Janitors, School Census Marshals, and other persons who may be employed by said Board.

Second—For the erection, alteration, repair, and furnishing of school houses.

Third—For the purchase money or rent of any real or personal property purchased or leased by said Board.

Fourth—For the insurance of all school property.

Fifth—For lighting school rooms, supplying the schools with fuel, water, apparatus, blank books, and necessary school appliances, together with books for indigent children.

Sixth—For supplying books, printing, and stationery for the use of the Board of Education, and for the incidental expenses of the Board and department.

Seventh—For grading, fencing, and improving all school lots, and for grading, paving, and repairing streets and sidewalks in front thereof.

Payment of
claims and
salaries.

SEC. 8. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members of the Board they shall be signed by the President and Secretary and be sent to the City Treasurer. Every demand shall have indorsed upon it a certificate of its approval. All demands for teachers' salaries shall be payable monthly.

City
Treasurer.

SEC. 9. All demands authorized by this Act shall be paid by the City Treasurer from the School Fund, when the same shall be presented to him so ordered paid and approved by the Board; *provided*, that the said Board shall not have power to contract any debt or liabilities in any form whatever against the said city in contravention of this Act.

Absence or
removal
vacates
office of
member of
Board.

SEC. 10. If any member of the Board of Education shall remove from the city or absent himself therefrom for more than thirty days, except by permission of the Board, or shall fail to qualify as prescribed by law within ten days from the time of his election is duly ascertained and declared, his office shall be hereby absolutely vacated, and the Board shall thereupon proceed to fill the vacancy until the term of the next charter election.

County
Treasurer
to pay over
moneys ap-
portioned.

SEC. 11. It is hereby made the duty of the Superintendent of Public Schools for the County of Sonoma, whenever any moneys shall have been apportioned to the City of Petaluma from the County or State funds, to notify the Secretary of the Board of Education thereof. The County Superintendent shall, when an apportionment has been made of any funds in the County Treasury, issue his order on the County Treasurer of said County of Sonoma in favor of the City Treasurer of the said City of Petaluma. Upon presentation of said order the County Treasurer shall pay the sum designated in said order to the City Treasurer of said city.

SEC. 12. The Treasurer of the City of Petaluma is hereby authorized, and it shall be his duty to keep all the school money from State, county, and city in a "separate Fund," called the "School Fund," and shall pay it out only on the order of the Board of Education of said city, except his commissions of one per cent, which he may reserve. Separate Fund established.

SEC. 13. The Board of Education of said city are hereby authorized to establish a High School for said city whenever the "School Fund" arising from all sources heretofore mentioned shall permit and the interest of said city may require, in the discretion of said Board of Education, and to establish rate bills for such schools. Provision for a High School.

SEC. 14. The members of the Board of Education of said city are hereby exempt from jury duty during their terms of office. Exempt from jury duty.

SEC. 15. In order to provide a Building Fund for the educational department of said city, the Board of Education are hereby authorized to issue and sell or otherwise dispose of warrants not exceeding in the aggregate four thousand (\$4,000) dollars for any one year, one half of said amount to be paid in one year and one half in two years from date of issuance, all payable in gold coin, and to bear interest at the rate of eight per cent per annum, payable annually. Building Fund.

SEC. 16. Said warrants shall be in sums of not less than one hundred nor more than five hundred dollars, shall bear the date of their issuance, and shall be signed by the President and Secretary of the said Board of Education.

SEC. 17. Said warrants shall be sold or disposed of by order of said Board of Education in such sums and in such manner as they may deem best for the interest of the school department of said city, and the funds realized from the sale thereof shall be paid into the City Treasury of said city and shall be drawn therefrom upon the order of the said Board of Education for the purpose of enlarging, repairing, or building school houses within and for the said City of Petaluma, and for no other purpose whatever.

SEC. 18. The Board of Trustees of said city are hereby authorized and it shall be their duty to levy annually and at the same time that other city taxes are levied, an additional and special tax sufficient to pay said warrants and the interest thereon from date of issuance. Said tax shall be collected at the same time and manner that other city taxes are collected, and when collected shall be set apart by the Treasurer of said city, and shall constitute a Fund for the payment of the interest on said warrants and for the liquidation of the same as they may become due. Board of Trustees shall levy a special tax annually.

SEC. 19. This Act shall take effect and be in force from and after its passage, and all laws and parts of laws, so far as they are inconsistent with the provisions of this Act, are hereby repealed.

CHAPTER VII.

An Act to define and establish the boundary line of the City of Sonora.

[Approved January 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Boundaries of the City of Sonora.

SECTION 1. The boundary line of the City of Sonora shall hereafter be as follows, viz: Beginning at the section post at the southeast corner of section thirty-six (36), township two (2) north, range number fourteen (14) east, of Mount Diablo meridian; thence running due north along the section line to the northeast corner of the said section thirty-six, which shall be the northeast corner of the city; thence west along the line of said section three quarters ($\frac{3}{4}$) of a mile, to the northeast corner of the northwest one quarter ($\frac{1}{4}$) of the northwest one quarter ($\frac{1}{4}$) of the said section thirty-six; thence south one quarter ($\frac{1}{4}$) of a mile, to the southeast corner of the northwest one quarter ($\frac{1}{4}$) of the northwest one quarter ($\frac{1}{4}$) of said section; thence west to the southwest corner of the northwest one quarter ($\frac{1}{4}$) of the northwest one quarter ($\frac{1}{4}$) of section thirty-six; thence south three quarters ($\frac{3}{4}$) of a mile, to the southwest corner of said section thirty-six; thence due east to the place of beginning.

SEC. 2. All Acts or parts of Acts contrary to the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER VIII.

An Act supplementary to an Act entitled an Act to provide for the incorporation of colleges, approved April twentieth, eighteen hundred and fifty.

[Approved January 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Certain powers granted to grand lodges of benevolent and fraternal organizations.

SECTION 1. Whenever any benevolent or fraternal organization, or society having a grand lodge or other legislative head, duly organized and existing in this State, shall found and establish a college in this State, and shall incorporate or desire to incorporate the same under the Act to which this Act is supplementary, such organization or society shall have and may retain the right, through its grand lodge or other legislative head, not only to select and name the persons who, subject to the approval of the State Board of Education, shall form such corporation and be the first Trustees thereof, but also to pre-

scribe the terms of office of such Trustees and provide for their classification, so that a portion thereof shall go out of office and their successors be elected at each annual session of such grand lodge or society; *provided*, however, that the terms of not more than one third of such Trustees shall expire at the same time; and also to reserve to itself the power of electing the successors of such Trustees as their terms expire. It may also provide that no person shall be a Trustee of such corporation unless he be a member of such Order, organization, or society, in good standing; and also require said Board of Trustees to report annually to the grand lodge or society founding the same the condition of the affairs of such corporation, and the amount and manner of its receipts and expenditures.

SEC. 2. Any corporation already formed under the Act to which this Act is supplementary of a college founded or established by the grand lodge or society of any benevolent or fraternal organization in this State, may, by resolution of its Board of Trustees, a certified copy of which shall be filed with its original certificate of incorporation, in the office of the Secretary of State, surrender to the grand lodge or society which founded it the right to exercise all control over it provided by the first section of this Act, and thereafter such grand lodge or society shall have the right to and may exercise the same control over such corporation as if the same had been specially formed under this Act and the Act to which this is supplementary.

Requirements in certain cases.

SEC. 3. The corporation of any college established or founded by any such benevolent or fraternal organization or society, and incorporated as provided in this Act and the Act to which this is supplementary, may, in addition to holding the property necessary for its college purposes, also establish, own, and control, under the same management, a home for the maintenance and education of orphans, and an asylum for the care of the aged and indigent of the Order or society founding such institution.

Extension of powers.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER IX.

An Act to incorporate the Town of Chico, Butte County, California.

[Approved January 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inhabitants of the district hereinafter described shall be and are hereby declared a corporation, under the style and name of the "Town of Chico," and by that name they and their successors shall be known in law, and shall have perpetual succession, and shall have and use a common seal;

The Town of Chico incorporated.

provided, that said corporation shall neither have nor exercise any powers not expressly authorized by this Act.

Bound-
aries.

SEC. 2. The boundaries of the Town of Chico shall be according to the map thereof filed in the County Recorder's office of Butte County, said map being filed August twenty-sixth, one thousand eight hundred and sixty-seven, as follows: Commencing at the northwesterly corner of First or Front street, following said street to its intersection with Sierra Avenue; thence along said avenue to Orient street; thence along Orient street in a southerly direction to Little Chico Creek, at a point at a termination of Humboldt Avenue; thence following Little Chico Creek westerly to a point opposite Oak street; thence northerly along Oak street to the place of beginning.

Govern-
ment.

SEC. 3. The government of said town shall be vested in a Board of Trustees, to consist of five members.

Election of
Trustees,
and terms
of office.

SEC. 4. The said Trustees shall be chosen from and elected by the qualified electors of said town on the first Monday of February, and shall hold office as follows, to wit: two for one year, two for two years, and one for three years, and until their successors, who shall be chosen at an annual election held the day and month above designated, shall be elected and qualified; *provided*, that all elections held under this Act shall be conducted in accordance with the general election laws of this State.

Notice of
election.

SEC. 5. Two weeks notice of said election for Trustees shall be given by the President and Secretary of the Board of Trustees by publication in the newspapers printed in the Town of Chico. Said notice shall designate the time and place of holding said election, and shall name one Inspector and two Judges of said election; *provided*, however, that if the President and Secretary fail to publish said notice the electors of said town may meet on the morning of the election day, at Wood's Hall of said town, and appoint one Inspector and two Judges to hold such election, and the same shall be valid and binding as if notice had been published; *provided*, that notice of the first election for Trustees to be held under this Act shall be given by the Clerk of Butte county. Said notice shall designate the time and place of holding said election, and shall name one Inspector and two Judges of said election, and shall be published in like manner as other notices of elections provided for in this Act; *provided*, that if said Clerk shall fail to publish such notice the electors of said town may meet on the morning of election day, at Wood's Hall, of said town, and appoint one Inspector and two Judges to hold such election, and the same shall be as valid and binding as if notice had been published.

Trustees to
meet and
qualify.

SEC. 6. Within ten days after said election said Trustees shall meet and determine by lot their respective terms of office, and before entering upon their duties they, and all officers of the corporation, shall each take and subscribe an oath to support the Constitution of the United States and the Constitution of the State of California, and that he will discharge the duties of his office to the best of his ability. Said oath may be taken before any officer authorized to administer oaths, and shall be filed with the Secretary of the Board.

SEC. 7. The Board of Trustees shall choose a President from their number. It shall be the duty of the President to preside at all meetings of the Board of Trustees, to exercise a general supervision over the acts of the other officers of the corporation, and to countersign all warrants drawn upon the Treasury by order of the Board of Trustees. He shall have power to enforce order and decorum at the meetings of the Board, and may punish by fine not exceeding twenty-five dollars, or by imprisonment not exceeding twenty-four hours, or by both fine and imprisonment, offenses against the regulations of the Board; said fines may be collected as other fines are for breach of ordinance. They shall also elect a Secretary of the Board, not of their number, whose duties shall be to keep the papers and documents of the Board, and to file them in his office under their appropriate heads, to attend all the meetings of the Board and keep a correct journal of its proceedings and a record of its ordinances; to sign all warrants issued in pursuance of the order of the Board, and in a suitable book provided for the purpose, keep an accurate account of all such warrants; the ordinances shall be numbered in the order of their passage, and suitably indexed; he shall keep the seal of the corporation, and shall be ex officio Town Clerk. He shall receive for his salary such sum per annum as the Board of Trustees shall award him, not to exceed the sum of five hundred dollars.

The President of the Board of Trustees, and his duties and powers.

The Secretary.

The seal of the corporation.

SEC. 8. The Board of Trustees shall have the power, and it shall be their duty so to do, to appoint a Treasurer, a Marshal, and the police force required, and to make such regulations governing the police force as they may deem necessary, and to provide for the payment of their salaries for services rendered. It shall be the duty of the Treasurer to receive all moneys due the town, to pay all warrants drawn by order of the Board signed by the Secretary and countersigned by the President, and to keep an accurate account of all receipts and expenditures, and to present to the Board a full report of the financial condition of the corporation one month before the annual election, and at such other times as the Board may require. He shall give bonds in the sum of five thousand dollars, conditional for the faithful performance of his duty, and shall receive as a compensation for his services an annual salary of such sum as the Board may award him, not to exceed one hundred dollars. The Marshal shall be ex officio Assessor and Collector, and shall collect such taxes as may be levied by the Board of Trustees, and shall pay such taxes, less his commission (which shall be allowed by the Board), over to the Treasurer, taking his receipts for the same; he shall collect and pay over to the Treasurer all fines and costs levied and imposed by reason of a violation of an ordinance of the town, and for such purposes shall have the power conferred by law upon Constables; he shall arrest all persons against whom a warrant shall be directed and delivered to him from any Justice of the Peace of the town, and may arrest without a warrant any person actually engaged in his presence in any violation of an ordinance, and shall receive such fees as shall be prescribed by the Board of Trustees, to be taxed by the Justice of the Peace having jurisdiction of such violation, against the defendant; *provided*, that in no case shall

Treasurer, Marshal, and police to be appointed.

Bond of
Marshal.

he receive greater fees than Constables are allowed by law for similar services. He shall receive no other compensation for his services than that provided for in this Act. He shall give bonds in the sum of two thousand dollars, conditioned for the faithful performance of his duty.

SEC. 9. To the Trustees, a majority of whom shall constitute a quorum to do business, no compensation shall be allowed for their services.

Powers
vested in
the Board
of Trustees.

SEC. 10. The Board of Trustees shall have power to pass such ordinances not inconsistent with the Constitution and laws of the United States and of this State as they may deem necessary to determine what are nuisances and prevent and remove the same; to prevent any or all domestic animals from running at large within the corporation limits; to control and regulate slaughter houses, or to provide for their exclusion from within the town limits; to prohibit disorderly conduct; to provide for licensing shows and lawful games; to license every kind of business carried on within the town limits; to regulate and restrain theatrical and other amusements, and to fix the rate of license tax upon all such business, which shall not exceed the amount fixed by law for State and county purposes; to regulate and establish markets; to construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary to protect the town from injury by fire; to lay out, alter, keep open, and repair the streets, alleys, and public squares and other public grounds of the town; to purchase or lease such real estate and personal property as may be necessary for the interest of said town, or the transactions of the business of the Board of Trustees or other officers of said town, or the safe keeping of prisoners; to sell and convey the said real and personal property when deemed necessary for the above specified purposes; to grant the right of way to railroad companies within the corporate limits, making such prohibitions and restrictions as the safety of the inhabitants may demand; to levy and collect annually a poll tax not exceeding one dollar and a half on each male inhabitant over the age of twenty-one years, and a property tax not exceeding one per cent upon the assessed value of all the real and personal property owned within the limits of said town.

Board of
Equaliza-
tion.

Tax made
a lien.

SEC. 11. That said Board of Trustees shall sit as a Board of Equalization, and shall be governed by the general laws of the State regulating the powers and duties of the County Board of Supervisors in similar proceedings. The tax levied under the provisions of this Act is hereby made a lien against the property assessed, which lien shall attach on the day of the levy, and shall not be satisfied or removed until such taxes are paid or the property has absolutely vested in a purchaser under sale for such taxes.

Debt
exceeding
three
thousand
dollars
prohibited.

SEC. 12. The Board of Trustees shall have no power to create any indebtedness exceeding three thousand dollars in the aggregate upon the credit of the town, or make any expenditure for improvements, except as provided for in this Act. Nor shall any warrants be drawn upon the Town Treasurer unless there be sufficient moneys to meet the same after paying the current expenses of the town and all other demands legally due. The Board of Trustees shall have the further power,

whenever they may deem essential the expenditure of a larger sum of money than is specified in this Act as the limit of their power to expend, to make suggestions as to the sums of money needed and the purposes of its use, and may appoint the time and place of holding an election in conformity with the provisions of this Act, governing other elections at which the qualified electors of the town may vote for or against a special tax for the purposes designated.

Special tax
may be
voted for
or against.

SEC. 13. The Board of Trustees shall meet on the first Monday of every month, and at such other times as the President may deem necessary. The place of the regular meetings shall be fixed by ordinance.

Monthly
meetings.

SEC. 14. The Board of Trustees shall by ordinance fix the time and manner of collecting the tax herein provided for, and the time and manner of selling property for unpaid taxes. All properties sold for unpaid taxes shall be subject to redemption upon the same conditions as property sold for State and county taxes.

Collection
of taxes.

SEC. 15. All ordinances passed by the Board of Trustees shall be signed by the President and Secretary and published in the newspapers printed in the Town of Chico.

Ordinances

SEC. 16. The Board of Trustees shall have power to examine into the official conduct of any of the officers of the corporation, and if in the judgment of said Board an officer has been guilty of misfeasance or malfeasance in office, the Board may remove him from office and fill any vacancy occasioned thereby, or any vacancy occurring by death, resignation, or otherwise. The person so appointed to fill such vacancy shall hold office until the next annual election.

Removal
from office.

Vacancies.

SEC. 17. The Board of Trustees may appoint an attorney and allow him for his services what they may reasonably be worth; *provided*, that his compensation shall not exceed the fees allowed to the District Attorney of the county for like services.

Attorney
may be
appointed.

SEC. 18. The several Justices of the Peace within said town shall have jurisdiction:

Justices of
the Peace.

First—Of an action for a fine, penalty, or forfeiture imposed for a breach of any ordinance of said town.

Second—Of proceedings respecting vagrants or disorderly persons, said several Justices of the Peace shall also have like jurisdiction in all their actions, whether civil or criminal, arising in said town, and to which said town shall be a party, as now is or may hereafter be conferred upon Justices of the Peace by the general law of this State; they may issue such warrants of arrest as may be necessary to enforce such jurisdiction.

Jurisdiction.

SEC. 19. All proceedings and actions under this Act, or any ordinances passed in pursuance hereof, shall be commenced by complaint, setting forth the cause of complaint so as to enable the defendant to understand the nature of the offense charged and to answer the complaint. All such complaints shall be verified by the party making them. The answer to the complaint may be oral or in writing, and immediately thereafter the matter shall be tried, unless for good cause shown an adjournment shall be ordered. In all cases the defendant shall, on

Complaint.

Answer.

Trial
by jury.

demand, be entitled to trial by jury, composed of not exceeding six nor less than three electors of the town.

Fine. SEC. 20. No fine imposed under this Act shall exceed five hundred dollars.

Fines collected. SEC. 21. Every Justice of the Peace who shall collect any fines for breach of ordinance shall pay over the same to the Treasurer, taking his receipt for the same; and such Justice of the Peace shall be liable on his official bond for all sums so collected by him.

Trustees shall not be interested in contracts SEC. 22. No member of the Board of Trustees shall be directly or indirectly interested in any contract or sale of anything belonging to said town, or any work or business ordered to be executed by authority of said Board. For a violation of this section the member so offending shall be expelled from the Board.

Penalties for violation of ordinance. SEC. 23. The Board of Trustees shall have power to fix a fine not exceeding five hundred dollars and a term of imprisonment not exceeding three months as the penalty for violation of any town ordinance. Until the Board of Trustees provide a place to keep prisoners, the Sheriff of Butte County shall receive and safely keep until the expiration of the term of imprisonment, or until discharged by due process of law, any person delivered to him by the Marshal under a commitment from a Justice of the Peace of said town, the town paying the expenses of the same; *provided* further, that whenever sentence of imprisonment is passed upon such an offender, the Justice of the Peace shall include in such sentence that such offender shall be subject to labor under the charge of the Marshal, provided any provision shall have been made by ordinance for carrying such sentence into effect. They may also in any suit tax the costs thereof against the person so convicted, and the same may be collected by execution, as in civil cases.

Certificates of election. SEC. 24. The Inspector and Judge of Election shall within one week after election of Trustees issue certificates to the Trustees who shall have received the highest number of votes, and shall immediately after the organization of the Board of Trustees transmit to the Secretary of the Board the poll list and tally list of said election. At all elections subsequent to the first election the Inspectors and Judges shall make their returns and forward the same within three days after such election to the Secretary of the Board of Trustees, together with the poll list and tally list.

SEC. 25. This Act shall go into effect from and after its passage.

CHAPTER X.

An Act to separate the office of County Recorder from the office of County Clerk in the County of Mendocino.

[Approved January 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the general election to be held on the first Wednesday in September, A. D. eighteen hundred and seventy-three, there shall be elected in addition to the county officers now provided for by law for the County of Mendocino a County Recorder, whose office shall be separate and distinct from the office of County Clerk. Recorder
separate
from Clerk.

SEC. 2. The Recorder, whose election is provided for by this Act, shall enter upon the duties of his office on the first Monday in March, A. D. eighteen hundred and seventy-four, and hold office for the term of two years, and until his successor is elected and qualified. Term of
office.

SEC. 3. The fees of the said office of Recorder of said county shall be the same as those now existing by law for recording, etc., in said county. Fees.

CHAPTER XI.

An Act to legalize the assessment of the taxes in the County of Santa Cruz.

[Approved January 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessment of taxes upon all property, real and personal, in the County of Santa Cruz, for State, county, or other purposes, made for the fiscal year eighteen hundred and seventy-one and two, and the order of the Board of Supervisors of said county made on the ninth day of December, A. D. eighteen hundred and seventy-one, to have certain assessments copied into the subsequent assessment roll, and the copying of such assessments into such subsequent assessment roll, in accordance with said order, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the property assessed. Assess-
ments of
eighteen
hundred
and
seventy-
one and
eighteen
hundred
and
seventy-
two
legalized.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER XII.

An Act in relation to the revision of the laws.

[Approved January 10, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Appoint-
ment
confirmed.** SECTION 1. The appointment heretofore made by Governors Haight and Booth (at the request of the Revision Commission) of Charles A. Tuttle and Sidney L. Johnson as an Advisory Committee, to act with, review, and report upon the work of such commission, is hereby ratified and confirmed.
- Salaries.** SEC. 2. The salary of each member of such committee shall be five hundred dollars per month from the second of December, eighteen hundred and seventy-one, until the completion of their labors and report; not, however, to extend beyond the second day of April, eighteen hundred and seventy-two.
- Limitation.**
- Payment.** SEC. 3. The Controller of State shall upon the passage of this Act draw his warrant upon the Treasurer for the salary accrued up to January second, eighteen hundred and seventy-two, and at the end of each month from January to March, inclusive, shall draw his warrant for the salary to accrue, which warrants shall be paid by the Treasurer of State.
- Appropriation.** SEC. 4. The sum of four thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated as a Fund for the payment of the salaries herein provided for.
- Vacancy.** SEC. 5. The vacancy caused in the Revision Commission by the resignation of Charles Lindley shall not be filled, but the remaining members shall discharge the duties of the commission.
- SEC. 6. This Act shall be in force from and after its passage.

CHAPTER XIII.

An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as it relates to the County of Alameda.

[Approved January 11, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Alameda
County
excepted.** SECTION 1. An Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as it relates to the County of Alameda, is hereby repealed.

SEC. 2. The repeal of said Act shall not be deemed to effect Provision. or impair any rights already accrued, and the Board of Supervisors of said county shall continue to levy a tax of two cents on each one hundred dollars valuation until all liabilities under said Act shall be satisfied.

SEC. 3. This Act shall be in force and take effect from and after its passage.

CHAPTER XIV.

An Act to authorize the executors of the last will and testament of John C. Keenan, deceased, to mortgage certain real estate of their testator.

[Approved January 15, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for James W. Coffroth, Julius ^{Leave} Wetzlar, and George J. Wight, executors of the last will and ^{granted} testament of John C. Keenan, deceased, to file their petition in ^{to file} the Probate Court of the City and County of San Francisco, ^{petition.} praying for an order authorizing them as such executors to mortgage the real estate of their testator for a sum sufficient to pay off and discharge all legal claims existing against said estate. In the petition they shall state the facts which, in their judgment, render it expedient that such order should be granted, and the petition shall be verified.

SEC. 2. Upon the filing of said petition the Court shall fix a ^{Duty of the} day for the hearing thereof, and shall give the same notice and ^{Court.} proceed in the same manner as required by law where a petition is filed for the sale of real estate. If upon the hearing the Court shall be satisfied that the best interests of the estate will be subserved by granting such order, the said Court shall have full power so to do, stating in its decree the property to be mortgaged, the sum to be raised, and the rate of interest to be paid; a certified copy of which decree shall be filed in the Recorder's office of the county in which the property to be mortgaged is situated, and be there recorded as orders made by Probate Courts for the sale of real estate are required to be recorded.

SEC. 3. Any mortgage made and executed by the said executors, or a majority of them, under the order of said Probate Court, as herein provided for, shall be as valid and binding as ^{Mortgage} if the same had been made by the said deceased in his lifetime. ^{shall be} ^{valid.}

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER XV.

An Act to amend an Act entitled an Act to authorize the Council of the City of Oakland to lay out, open, or improve streets in said city, approved January thirty-first, eighteen hundred and seventy.

[Approved January 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of an Act to authorize the Council of the City of Oakland to lay out, open, or improve streets in said city is hereby amended so as to read as follows:

The City Council may levy a tax.

Section 5. Upon receiving such report said Council may, if in their judgment the said report is legal and the said assessment therein contained is in accordance with law, by ordinance levy a tax upon the several parcels of property reported as benefited by said improvement, for the amounts severally charged against each in said report, which tax shall be a lien upon the several parcels of property severally, and shall not be removed until said tax is paid. Immediately upon levying such tax the City Marshal shall serve a notice in writing upon each owner of the land so taxed, or his lawful agent; or in case such owner or agent cannot be found, to post such notice in a conspicuous place upon the land and premises so taxed, which notice shall contain the name of the owner (if known), a brief description of the lands taxed, and the amount of tax levied, and that the payment of the said tax is demanded by the City Treasurer of the City of Oakland within ten days from the service of such notice. At the expiration of ten days from the time of service on each of said persons and property so taxed as aforesaid the said Council shall issue to the City Marshal a warrant, to be signed by their President and Clerk, under the seal of the city, commanding him to levy and collect all of the said tax that shall be then unpaid, with his fees for collection, from the property upon which the same is a lien as aforesaid, and shall thereupon deliver the same to said Marshal.

Notice in writing.

Collection.

SEC. 2. All Acts and parts of Acts, so far as the same are in conflict with this Act, are hereby repealed.

SEC. 3. This Act shall take effect on and after its approval.

CHAPTER XVI.

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved April twentieth, eighteen hundred and sixty-three.

[Approved January 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighty-eight of said Act is amended so as to read as follows:

Section 88. If rooms for holding the District Courts, County Courts, Probate Courts, Municipal Criminal Court of the City and County of San Francisco, and the chambers of the Judges of said Courts, be not provided in any county in which any such Court shall be held, by the Supervisors thereof, together with attendants, furniture, fuel, lights, and stationery, suitable and sufficient for the transaction of business, the said Courts may direct the Sheriff of such county to provide such rooms, attendants, furniture, fuel, lights, and stationery, and the expenses thereof shall be a charge against such county. Courts may direct the Sheriff to furnish conveniences.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER XVII.

An Act concerning certain officers in the County of Merced.

[Approved January 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The bonds of the Public Administrator and Coroner of the County of Merced are hereby fixed at the sum of five thousand dollars each; *provided*, that the Board of Supervisors of said county may at any time order special bonds in addition thereto, when in their judgment said additional bonds may become necessary. Amount of bonds fixed

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER XVIII.

An Act entitled an Act to authorize the School Trustees in Ukiah School District, in Mendocino County, to purchase School Property.

[Approved January 18, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

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|---|---|
| Trustees may purchase certain property. | SECTION 1. The Trustees of Ukiah School District, in Mendocino County, are authorized to purchase the ground, building, and other property belonging to the Ukiah Institute, adjoining the Town of Ukiah, for school purposes, upon such terms and at such price as they may deem proper, subject to the limitations of this Act. |
| Payment. | SEC. 2. The purchase money shall be paid in three equal annual installments, on the first Mondays of January, eighteen hundred and seventy-three, eighteen hundred and seventy-four, and eighteen hundred and seventy-five, respectively. |
| Tax provided for. | SEC. 3. The Assessor of Mendocino County shall, for the next three ensuing years, designate on the assessment roll of said county the property situate in said school district, and the Supervisors of said county shall, at the February terms of the Board, in the years eighteen hundred and seventy-two, eighteen hundred and seventy-three, and eighteen hundred and seventy-four, or as soon thereafter as practicable, levy a tax on said property in said district sufficient in their estimation to pay each year the installment that may become due on the first Monday of the succeeding January, and in making such estimate they shall not consider the taxable property of said district as exceeding in value the assessment of the preceding year. |
| Collection of tax. | SEC. 4. As soon as said assessment and levy is made, all the officers of said county shall perform the same duties in relation thereto as they are required to perform in relation to State and county taxes, and said tax shall be equalized and collected in the same manner as State and county taxes. |
| Disposition of money. | SEC. 5. If any surplus remains after paying the first installment it shall be applied in payment of the second, and if any remains after paying the second it shall be applied in payment of the third installment, and any remaining after paying third and last installment shall be transferred to the School Fund of said school district. |
| Manner of disbursement. | SEC. 6. As soon as the Trustees of said school district shall have made the contract for the purchase of said property they shall make an order on the Auditor of said county for three warrants upon the County Treasurer of said county, payable on the first Mondays of January, eighteen hundred and seventy-three, eighteen hundred and seventy-four, and eighteen hundred and seventy-five, respectively; and each warrant shall be for the payment of one installment (one third of the purchase money aforesaid), and shall bear interest at seven per cent per annum from the time of its issuance; and the Auditor shall |

issue said warrants pursuant to said order, and upon presentation to the County Treasurer of said county he shall register and indorse the same as other county warrants.

SEC. 7. The money so levied and collected as aforesaid shall be paid into and constitute what shall be called the Ukiah School Building Fund, and said warrants shall be drawn on and paid out of said Fund. School Building Fund.

SEC. 8. Said warrants may be made payable to any person or persons designated by the vendors of said property.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAPTER XIX.

An Act supplementary to and amendatory of an Act entitled an Act to authorize the Board of Supervisors of Marin County to issue and sell bonds of said county, and apply the proceeds thereof to the construction of wagon roads in said county, approved March fourth, eighteen hundred and seventy.

[Approved January 18, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All moneys belonging to or due, either directly or indirectly, to the County of Marin, and which was realized from the sale of the bonds provided for in the said Act hereby amended, and which has not been applied to the construction of the roads mentioned in said Act, shall be applied as follows: a sum not exceeding ten thousand dollars of said moneys may, in the discretion of the Board of Supervisors of said county, be applied to the purchase for said county of the right of way for the road designated in said above named Act as road number five (5), to wit: a road to commence at a point where the private road called the Lucas graded road intersects the public road leading from San Rafael to Petaluma, near the Santa Margarita House; thence westerly to the rear of the dwelling house recently occupied by James Dixon; thence along the north side of the creek running between the said house and the old saw-mill, to the lane of William J. Miller; thence westerly through said lane to the Nicasio and San Rafael road. The remainder of all of said moneys not so applied shall constitute a special Road Fund, and shall be applied in such manner as the Board of Supervisors of said county shall direct in the building, constructing, and repairing of the roads now laid out in said county, and such new roads as may be hereafter laid out therein. Ten thousand dollars may be applied to purchase a right of way.

SEC. 2. So much of an Act entitled an Act to authorize the Board of Supervisors of Marin County to issue and sell bonds of said county, and apply the proceeds thereof to the construction of wagon roads in said county, approved March fourth, Repealing clause.

eighteen hundred and seventy, as is inconsistent with the provisions of this Act, is hereby repealed.

SEC. 3. This Act shall take effect on and after its passage.

CHAPTER XX.

An Act to provide for the appointment of two additional Notaries Public for the County of Solano.

[Approved January 18, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Notaries
for Solano.

SECTION 1. For the County of Solano two additional Notaries Public shall be appointed by the Governor, who shall hold office for the term of two years, and until their successors in office are appointed and qualified.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER XXI.

An Act to provide for the erection of County Buildings in the County of Mendocino.

[Approved January 18, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors
may issue
bonds to the
amount of
forty
thousand
dollars.

SECTION 1. The County Auditor of the County of Mendocino is hereby authorized and directed, upon the order of the Board of Supervisors of said county, to issue bonds of said county not exceeding in the aggregate amount forty thousand dollars. Said bonds shall be issued by the County Auditor and be countersigned by the County Treasurer of said county, and shall be of the denomination of five hundred dollars each, payable only in gold coin of the Government of the United States, and shall bear interest at the rate of nine per cent per annum, and be payable at the County Treasurer's office in said county within twenty years from the date of their issue.

Court
House,
Jail, and
iron fence.

SEC. 2. Said bonds, when so issued, shall be used by the Board of Supervisors for the purpose of constructing a suitable Court House, Jail, and necessary county offices, and an iron fence around the same, in and for said county, and for furnishing the same, and for no other purpose.

SEC. 3. The said Board of Supervisors is hereby authorized and compelled to do any and all acts which may be requisite or necessary to carry out the provisions of this Act; *provided*, that the contract for the erection of said buildings shall be let to the lowest responsible bidder; and *provided*, that the aggregate cost and expense of erecting said buildings and fence, and furnishing the same, shall not exceed forty thousand dollars.

Limitation
of cost.

SEC. 4. Said Board of Supervisors shall order said bonds to be issued with coupons attached thereto, and the Auditor shall so issue the same; and the interest shall be made payable thereon semi-annually, on the first Monday of December and the first Monday of June in each year, at the office of the County Treasurer of said county. Said coupons shall be duly numbered, and express the amount of interest represented by each coupon, and when and where payable, and said coupons shall be signed by the County Auditor and countersigned by the County Treasurer of said county, in the same manner as the bonds are required to be signed.

Coupons,
when
payable.

SEC. 5. The said Auditor shall keep a record of the date, number, denomination, and amount of all bonds issued under the provisions of this Act.

Record
of bonds.

SEC. 6. In addition to the taxes now authorized to be levied by law in said county, the Board of Supervisors thereof are hereby authorized and instructed to annually levy and have collected by the proper officers, at the same time and in the same manner of levying and collecting State and county taxes, such additional tax as may be necessary, not exceeding twenty (20) cents on each one hundred dollars of taxable property in said county, which shall be set apart for the purpose of paying the interest as the same may fall due upon said bonds, to create a Fund to be called the "Public Building Fund," which shall be set apart to pay the interest of said bonds as the same may fall due.

Supervisors
shall levy
a tax.

Public
Building
Fund.

SEC. 7. Whenever the County Treasurer shall pay any coupons or bonds under the provisions of this Act he shall cancel the same by writing thereon the words, "Paid by me," and signing his name officially, and shall preserve the same until destroyed by the order of the Board of Supervisors. He shall also keep a record, showing the number of the bond or coupon redeemed, when paid, amount of each, and from whom received.

Cancellation
of
bonds and
coupons
paid.

SEC. 8. Said Board of Supervisors shall, within twenty (20) days, or as soon as practicable after the passage of this Act, convene at a regular meeting or special meeting, provide for the issuance of said bonds, adopt plans and specifications of said buildings, and advertise for bidders for the erection and completion of said buildings and fence, and as soon as practicable thereafter let the contract for said buildings and fence; and said Board may, if they deem it necessary, employ a Superintendent to supervise the construction of said buildings and fence, whose compensation shall not exceed four dollars per day, which compensation shall be audited and paid by the Board of Supervisors out of the Fund created by this Act.

Plans and
specifica-
tions.

Superin-
tendent.

Provision
for
payment
of bonds.

SEC. 9. The bonds provided for in this Act shall be used in payment for the construction of the buildings and procuring the furniture herein provided for, and no discount shall be made or allowed upon the same to any purchaser or contractor. And the Board of Supervisors of Mendocino County shall provide for the payment of said bonds, as follows: at least one year before the first of said bonds shall fall due said Board shall levy a tax upon the taxable property of said county which shall be sufficient to pay all of said bonds that may be outstanding, which tax shall be levied at the same time and collected in the same manner as other taxes are levied and collected, and shall be used for no other purpose than for the payment of said bonds.

Advertise-
ment for
contracts.

SEC. 10. Before letting the contract or contracts for the erection of said buildings said Board of Supervisors shall prepare and file with the Clerk of said Board the plans and specifications of said buildings, and shall advertise for bids one month before the day fixed for the letting of said contract or contracts. In said advertisement the bidder shall be referred to the plans and specifications on file, and all bids shall be in writing, sealed, and filed with the Clerk of said Board, accompanied with a bond, the amount of which shall be fixed by said Board, conditioned for the faithful performance of said contract.

Location of
buildings.

SEC. 11. The buildings herein provided for shall be constructed on the site of the present Court House of said county, fronting east, and said Supervisors are hereby authorized to sell and dispose of the present Court House thereon, and cause the same to be removed.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAPTER XXII.

An Act to provide for the building of a Court House and Jail in Marin County, and to repeal certain Acts.

[Approved January 18, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors
may issue
bonds to the
amount of
sixty
thousand
dollars.

SECTION 1. The Board of Supervisors of Marin County are hereby authorized and directed to issue, within sixty (60) days after this Act takes effect, the bonds of said county to the amount of sixty (60) thousand dollars, payable on the first day of January, A. D. eighteen hundred and ninety-three, with interest at the rate of eight per cent per annum, payable semi-annually, on the first day of January and July, both principal and interest to be made payable in United States gold coin only. Said bonds shall be issued in denominations of five hundred dollars, and shall be signed by the Chairman of the Board of Supervisors

and countersigned by the Treasurer and Auditor of said county. Interest coupons shall be attached, signed in like manner.

SEC. 2. The bonds and coupons shall be payable at the office of the County Treasurer; and when any coupons are paid they shall be detached, and shall be canceled by the Treasurer in the same manner that county warrants are canceled by him, and shall be deposited by him with the Auditor, on making his monthly settlement with the Auditor, which he is hereby required to make on the first Monday of every month, and the Auditor shall give him a receipt therefor. Where payable.

SEC. 3. Said bonds shall bear the date of their issuance, and the first coupon shall be for interest from such date up to the first day of January next succeeding. Date.

SEC. 4. For the purpose of paying the interest on said bonds the Supervisors of said county shall, at the time of levying the county taxes for each year, levy a special tax on all property in said county, sufficient to pay the interest on all bonds then outstanding, as the same shall fall due. The special tax thus levied shall be assessed and collected as other State and county taxes are assessed and collected, and shall be set apart as a special Fund, to be known as the "Court House Bond Interest Fund," and out of said funds the coupons on said bonds shall be paid as they fall due. Special tax for payment of interest.

SEC. 5. If the special tax authorized by the preceding section shall at any time be insufficient to pay the coupons due, the County Treasurer shall make up said deficiency out of the General Fund of said county. If the amount realized from said special Fund exceeds the amount required to pay the coupons, the Board of Supervisors may transfer such surplus to the General Fund. Provision for deficiency.

SEC. 6. In and for the year eighteen hundred and eighty-one, and each year thereafter until the whole of said bonds are paid, the Board of Supervisors of said county shall levy and cause to be collected a tax sufficient to pay ten per cent of the whole issue of said bonds; and the tax thus levied and collected shall be set apart as a special Fund, to be known as the "Court House Bond Redemption Fund." Payment of principal.

SEC. 7. Whenever there shall be one thousand dollars or more in said Fund, the Treasurer shall cause a notice to be published once a week for four successive weeks, in some newspaper printed in said county or in the City and County of San Francisco, which notice shall state that he is prepared to redeem, on a day to be stated therein, bonds to the amount of the Fund, and that until said day at twelve o'clock M. he will at his office receive sealed proposals for the surrender of bonds issued under this Act. Immediately after the hour specified he shall in the presence of the County Auditor open all such proposals, and shall redeem such bonds as may be offered at the lowest figure; *provided*, that no bid above par shall be accepted. If no bid shall be put in at par or less, or if a sufficient amount of bonds shall not be offered to absorb all the moneys in said Fund, then bonds to the amount of the moneys in said Fund shall become due and payable in the order in which they were numbered, and the Treasurer shall give notice, in like manner as above provided for notice, that such bonds have become due, and all Method of redemption.

interest thereon shall cease from and after thirty days from the first publication of said notice.

Sale of
bonds.

SEC. 8. Within forty days after said bonds are issued, the Board of Supervisors of said county shall sell the bonds issued under the provisions of this Act to the highest bidder or bidders therefor.

Published
notice.

SEC. 9. At least twenty days notice shall be given of the time and place of such sale, by publication in two newspapers in San Francisco and one newspaper in Marin County, if any be there published. Said bonds shall be sold for United States gold coin, and for not less than ninety per cent of their nominal value.

Required
form of bids
for
purchase
of bonds.

SEC. 10. Bids for the purchase of said bonds shall be made in writing and inclosed in a sealed envelop, and shall be received until twelve o'clock M. on the day of sale. After that hour, but on the same day, the Board of Supervisors shall meet and open such bids, and shall award the bonds to the person or persons bidding the highest price therefor; *provided*, however, that no bid shall be considered unless the bidder shall have, before it is opened, deposited with the County Treasurer of said county ten per centum of the amount of his bid as security for the payment of the amount bid by him, should his bid be accepted. Immediately upon the acceptance of the bid or bids, the Board shall receive from the bidder the amount bid, and shall deliver to him or them the bonds purchased. If no bidder attend on the day fixed for the sale of said bonds, or if from any cause the sale of said bonds shall not be made on said day, then the Board of Supervisors of said county may again advertise for bids in the manner and for the time above provided, and shall award said bonds in all respects as hereinbefore provided; *provided*, that the Board of Supervisors shall have power to reject any and all bids.

Disposition
of funds.

SEC. 11. All moneys derived from the sale of said bonds shall be immediately paid into the County Treasury of said Marin County, and the County Treasurer shall give duplicate receipts therefor, one of which receipts he shall deliver to the Chairman of the Board of Supervisors, and the other of which he shall file with the County Auditor, who shall charge the Treasurer with the amount thereof.

Accounts.

SEC. 12. The Auditor and Treasurer shall each keep an account of the bonds issued and the moneys received and disbursed under the provisions of this Act.

Expendi-
ture of
proceeds
of sale
of bonds.

SEC. 13. All moneys derived from the sale of said bonds shall be set apart as a Court House Building Fund, and shall be applied, laid out, and expended in the building and constructing of a Court House and Jail on the site of the present Court House, in the Town of San Rafael, in said Marin County, and the necessary county offices in and for said county, and furnishing the same. Said Board of Supervisors may erect separate buildings for said Court House, Jail, or any county office, as they may deem best; and said Board shall have power to purchase, in the name of the county and in the manner prescribed by law, any piece or pieces of land adjoining said Court House site that may be deemed necessary for the purposes of said Court House and offices; and if said Supervisors shall deem it

best to have said Jail separate from said Court House they may purchase in like manner any piece of land they may deem necessary for the purpose of erecting thereon a Jail; but the same shall not be at a greater distance than one half a mile from said Court House.

SEC. 14. Said Board of Supervisors may employ a competent Architect architect to draught plans and specifications of said building or buildings, and to make estimates of the probable cost and expense of such building or buildings.

SEC. 15. Said Board of Supervisors shall, as soon as practicable after the sale of said bonds, proceed with the erection and construction of the building or buildings contemplated by this Act, and for that purpose shall have full power and authority to do and perform all acts and things which may be requisite or necessary to carry out the provisions of this Act; *provided*, that contracts for the erection of said building or buildings, or any of them, shall be let to the lowest responsible bidder after due public notice in the manner prescribed by law; the security for the faithful performance of said contract or contracts to be approved by the Chairman of the Board of Supervisors.

SEC. 16. All payments for costs and expenses of carrying this Act into effect, including the cost of construction and furnishing said Court House and Jail, shall be paid by warrants drawn on the Court House Building Fund of said county, and until said Court House is completed and furnished none of said last named Fund shall be applied to any other purpose.

SEC. 17. If the moneys provided for by this Act for the purpose of building a Court House and Jail shall be insufficient for the purpose intended, the deficiency may be made up from the General Fund of said county in such manner as the Board of Supervisors may direct; and any surplus on hand in said Court House Building Fund after said Court House and Jail is constructed and furnished shall be transferred to the General County Fund of said county.

SEC. 18. No Court House, Jail, or other county building erected or constructed under the provisions of this Act shall be subject to the lien of any mechanic, lumber man, laborer, or other person whatsoever for any labor, materials, or other thing furnished in the erection or construction of the said Court House or Jail.

SEC. 19. An Act entitled an Act to provide a Fund for the erection of county buildings in the County of Marin, and other matters in relation thereto, approved March thirty-first, eighteen hundred and sixty-six, and an Act entitled an Act to provide for relocating the county seat of Marin County by the qualified voters of said county, approved April second, eighteen hundred and sixty-six, are hereby repealed.

SEC. 20. This Act shall take effect from and after its passage.

CHAPTER XXIII.

An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

[Approved January 18, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors
may levy a
tax not to
exceed one
dollar on
the
hundred.

SECTION 1. The Board of Supervisors of Mariposa County are hereby authorized and empowered, if they deem it expedient, to levy for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three a tax of one dollar or any part thereof upon each one hundred dollars of taxable property in said county, for county purposes, in addition to the taxes now authorized by law to be levied and collected for said purposes, and the income derived from said tax shall be apportioned among the different county Funds as said Board may deem expedient.

SEC. 2. The tax authorized to be levied in section one of this Act shall be collected in the same manner as the taxes for county purposes are authorized by law to be collected.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER XXIV.

An Act to repeal an Act entitled an Act to create a Board of Water Commissioners in the City of Los Angeles and to define their powers and duties, approved April second, eighteen hundred and seventy.

[Approved January 19, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Water
Commissioners
abolished.

SECTION 1. That the Act entitled an Act to create a Board of Water Commissioners in the City of Los Angeles and to define their powers and duties, approved April second, eighteen hundred and seventy, be and the same is hereby repealed.

Their
successors.

SEC. 2. That all the rights, powers, privileges, and control heretofore conferred upon said Board be and the same is hereby vested in the Mayor and Common Council of the City of Los Angeles in as full and absolute a manner as if said Act never had been passed; *provided*, that said city shall not be liable nor in any manner bound by or for any illegal or unauthorized act of said Board; nor shall said Board, or either member thereof, on their official bond or otherwise, be in any manner exempted

from liability incurred by them while in office, to any person or persons, by reason of the repeal of said Act.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER XXV.

An Act to appropriate money for contingent expenses of the Legislature at its eighteenth session.

[Approved January 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of six thousand one hundred and thirty-three dollars and eighty cents (\$6,133 80) is hereby appropriated out of any money in the General Fund in the State Treasury not otherwise appropriated, for the following purposes: three thousand six hundred and thirty-six dollars and fifty cents for contingent expenses of the Senate, and two thousand four hundred and ninety-seven dollars and thirty cents (\$2,497 30) for contingent expenses of the Assembly at the eighteenth session of the Legislature. Appropriation for deficiency.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER XXVI.

An Act to appropriate money for the contingent expenses of the Senate and Assembly at the nineteenth session of the Legislature.

[Approved January 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to defray the contingent expenses of the Assembly, and fifteen thousand dollars for contingent expenses of the Senate, at the nineteenth session of the Legislature. Appropriation for contingent expenses of Legislature.

SEC. 2. The moneys hereby appropriated shall be exempt from the provisions of an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, A. D. eighteen hundred and fifty-eight. Exemption

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER XXVII.

An Act in relation to the claim of James E. Carr against Siskiyou County.

[Approved January 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Commission provided for.** SECTION 1. A Commission, to examine the alleged claim of James E. Carr against the County of Siskiyou upon a certain contract made between him and the Board of Supervisors of said county on the fourth day of September, eighteen hundred and sixty, in relation to the construction of a wagon road from the top of Scott's Mountain to Masterson's new house, must within sixty days after the passage of this Act be appointed as provided in the next section.
- How appointed.** SEC. 2. The Board of Supervisors must appoint one member of the Commission, the said Carr one member, and the two thus appointed must appoint the third member; and the three persons so appointed constitute the Commission, a majority of the Commissioners constitute a quorum.
- Duties.** SEC. 3. The Commission must, as soon as practicable, meet at Yreka and consider said contract, and may hear any evidence in relation thereto presented by either the county or said Carr.
- Attorneys.** SEC. 4. The District Attorney of Siskiyou County must represent the county before the Commission, and the said Carr may appear in person or be represented by attorney.
- Judgment.** SEC. 5. After examining the contract, hearing such evidence as it may deem proper, and the arguments of counsel, the Commission must determine whether there is anything equitably due from the county to said Carr upon the matters contained in said contract; and if they determine there is, they must fix the amount thereof.
- Certificate.** SEC. 6. The Commissioners must then, under the hand of a majority of its members, certify to the Board of Supervisors the amount thereof, which amount shall be a valid claim against the county, and shall be paid as hereinafter provided.
- Tax for a Relief Fund.** SEC. 7. The Board of Supervisors must levy annually a tax of five cents on each one hundred dollars of taxable property in the county, in the same manner as other county taxes are levied, which must be collected as other taxes are collected, and paid into the County Treasury, to constitute a Fund to be known as a "Relief Fund," and to be applied to the payment of the claim of said Carr against the county.
- Payment of claim.** SEC. 8. On the first day of July and the first day of January of each year, after the passage of this Act, the County Auditor shall draw his warrant on the "Relief Fund" in favor of said Carr for the amount then in said Fund, till the claim of said Carr against the county shall be paid; and the County Treasurer shall pay said warrants when presented at his office out of the "Relief Fund."

SEC. 9. The Board of Supervisors shall cease to levy the tax Provision. herein provided for as soon as the claim of said Carr against the county is paid, and any balance then remaining in the "Relief Fund" must be transferred to the County General Fund.

SEC. 10. The Commissioners shall each receive as a compensation for their services five dollars per day, payable one half out of the County General Fund and the other half by the said Carr. ^{Compensation.}

SEC. 11. This Act shall be in force from and after its passage.

CHAPTER XXVIII.

An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two.

[Approved January 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor shall have the power and is authorized to appoint and commission two Notaries Public in the County of Placer, in addition to the number now authorized by law to be appointed in said county; such Notaries, when appointed, to be subject to the general laws in relation to Notaries Public. ^{Notaries for Placer.}

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER XXIX.

An Act to appropriate money for the relief of General John A. Sutter.

[Approved January 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two hundred and fifty dollars per month, for the period of two years, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the relief of General John A. Sutter. ^{Relief of John A. Sutter.}

SEC. 2. The Controller of State is hereby directed to draw his warrants monthly for the sum of two hundred and fifty dol-

lars each, in favor of John A. Sutter, and the Treasurer of State is directed to pay the same.

SEC. 3. Said warrants shall not be assignable.

SEC. 4. This Act shall take effect and be in force from and after the fifth day of April, eighteen hundred and seventy-two.

CHAPTER XXX.

An Act making an appropriation for translating into Spanish the several State documents ordered translated during the eighteenth session of the Legislature of the State of California.

[Approved January 25, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation for deficiency for translating into Spanish.

SECTION 1. The sum of seven hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay J. Alexander Forbes, Junior, and Thomas R. Eldredge, their heirs or assigns, for translating into Spanish the several State documents ordered translated during the eighteenth session of the Legislature of the State of California.

SEC. 2. The Controller of State is hereby authorized and required to draw his warrants, payable out of the General Fund, for said amounts, and the Treasurer of the State is hereby authorized and required to pay the aforesaid sum.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER XXXI.

An Act to provide for the Institution for the Deaf and Dumb and the Blind.

[Approved January 25, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation for the Deaf and Dumb and the Blind.

SECTION 1. The sum of twenty-seven thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be paid to the Directors of the Institution for the Deaf and Dumb and the Blind, and to be expended for the objects hereinafter specified: For current expenses of said institution for the six months ending June thirtieth, eighteen hundred and seventy-two, eighteen thousand

dollars; for grading and improving grounds of said institution, five thousand dollars; for painting buildings, fifteen hundred dollars; for further increasing the efficiency of the mechanical department of said institution, and especially to provide workshops for the blind, twenty-five hundred dollars.

SEC. 2. This Act shall take effect on and after its passage.

CHAPTER XXXII.

An Act to provide the County Superintendent of Common Schools of Stanislaus County with an office.

[Approved January 25, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Stanislaus County are hereby authorized and empowered to furnish the Superintendent of Common Schools of said county with an office, the rent of said office not to exceed the sum of fifteen dollars per month.

Superintendent of
Schools in
Stanislaus
County.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER XXXIII.

An Act to fix the terms of the County and Probate Courts in and for the County of San Luis Obispo.

[Approved January 25, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The regular terms of the County and Probate Courts in and for the County of San Luis Obispo shall be held at the county seat of said county on the first Monday in March, the first Monday in June, the third Monday in August, and the first Monday in December in each year.

Terms of
Court in
San Luis
Obispo
County.

SEC. 2. All Acts and parts of Acts contrary to or inconsistent with the provisions of this Act are hereby repealed. This Act shall take effect and be in force from and after its passage.

CHAPTER XXXIV.

An Act to amend an Act entitled an Act to create a Board of Education for the City of Marysville, approved April first, eighteen hundred and seventy.

[Approved January 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Superintendent of Public Schools of Yuba County.

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Section 4. The Superintendent of Public Schools of Yuba County shall be ex officio Superintendent of Public Schools for the City of Marysville, and shall report to the Board of Education annually, and at such other times as they may require, on all matters pertaining to the progress of the schools since the last annual report; their condition at the time of making such report; the condition of the school houses, lots, and furniture; the number of teachers employed and of pupils taught in each primary, intermediate, grammar, and high school; the cost per pupil, including all ordinary expenses; the amount paid respectively to teachers, etc., with such recommendations as he may deem proper. A duplicate of said report shall be filed with the Clerk of the Common Council. It shall also be his duty to visit and examine each school at least once in three months; to observe and cause to be observed such rules and regulations as may be established by the said Board of Education. He shall receive a salary of one hundred dollars (\$100) per annum, payable in the same manner as the salaries of other city officers.

SEC. 2. This Act shall take effect and be in force on and after the first Monday of March, A. D. one thousand eight hundred and seventy-four.

CHAPTER XXXV.

An Act to provide for the appointment of two additional Notaries Public for the County of Butte.

[Approved January 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Notaries of Butte

SECTION 1. For the County of Butte two additional Notaries Public shall be appointed by the Governor, who shall hold office for the term of two years, and until their successors are appointed and qualified.

SEC. 2. This Act shall take effect and be in force on and after its passage.

CHAPTER XXXVI.

An Act to regulate the pay of Grand Jurors in the County of Los Angeles.

[Approved January 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each Grand Juror in the County of Los Angeles shall receive two dollars per day for attendance upon the County Court and twenty-five cents per mile for traveling from his residence to the county seat of said county; *provided*, that the sum of fees to each juror for attendance, exclusive of mileage, shall not exceed sixteen dollars for any one term of Court, being at the rate of two dollars per day, for eight days only, for each term.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they so conflict, are hereby repealed.

CHAPTER XXXVII.

An Act to amend an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six.

[Approved January 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the above entitled Act is amended to read as follows:

Section 1. The Clerk of the Supreme Court shall receive a salary of four thousand dollars per annum, payable monthly out of the State Treasury, which shall be in full compensation for all official services required by law to be performed by him; and he is forbidden to charge or receive for or to his own use any fee, reward, or compensation other than his salary aforesaid for any such official services, or for any services whatever relating to suits or business in the Supreme Court.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER XXXVIII.

An Act to authorize the Controller of State to issue duplicate warrants.

[Approved January 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

State
Controller
to issue
duplicate
warrants.

SECTION 1. The Controller of State is hereby authorized and required to issue duplicates of the following described Controller's warrants, alleged to have been lost, to wit: warrant numbered thirteen hundred and forty-nine, dated August thirty-first, eighteen hundred and seventy-one, drawn on the General Fund, in favor of the Trustees of the State Normal School, for the sum of seven hundred and twenty-eight dollars; warrants numbered seventeen hundred and fifty-three for the sum of fifteen dollars and fifty cents, seventeen hundred and eighty-three for fifty dollars, seventeen hundred and eighty-four for ninety dollars, seventeen hundred and eighty-five for nine dollars and fifty cents, dated September eighth, eighteen hundred and seventy-one, drawn on the General Fund, in favor of O. P. Fitzgerald.

Bond of
indemnity.

SEC. 2. Before drawing said duplicate warrants the State Controller shall require the parties authorized to receive the same to file in his office a bond of indemnity running to the State of California, for double the amount of said duplicate warrants. Said bond shall be signed by at least two sureties and conditioned against the appearance and presentation for payment of the original warrants, alleged to have been lost. Said bond shall be approved by the Attorney General of the State.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER XXXIX.

An Act to amend an Act entitled an Act regulating the collection of delinquent taxes in the County of Alameda, approved April fourth, eighteen hundred and seventy, and to refund certain money paid thereunder.

[Approved January 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Delinquent
taxes in
Alameda
County.

Section 1. On the third Monday of November in each year the Tax Collectors of the City of Oakland and of the County of Alameda shall, at the close of their official business for the day, enter upon the tax list or assessment roll for said city and

for said county respectively, the statement that they have made a levy upon all the property assessed in said list or roll, and upon which the taxes have not been paid; for which statement no fees shall be charged, and thereafter he shall charge each and every person an addition of five per centum upon the amount of all taxes to be paid by such person, which five per centum shall be paid into the treasury of said county and of said city, for the use of said county and said city respectively.

SEC. 2. It shall be the duty of the Controller of State to draw his warrants upon the State Treasurer in favor of the Treasurer of Alameda County for all sums of money paid to the said Treasurer of State by said Treasurer of Alameda County on account of the said five per centum in said amended section mentioned, and the moneys paid on said warrants shall be refunded to the said County of Alameda, and be paid into the General Fund of said county, and all claims on said county and city for any part of said five per centum is hereby released.

Duties of
State
officers.

SEC. 3. This Act shall take effect immediately.

CHAPTER XL.

An Act to amend an Act entitled an Act concerning the distribution of the Reports of the decisions of the Supreme Court and the Statutes of this State, approved March third, eighteen hundred and sixty-six.

[Approved January 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is amended so as to read as follows:

Section 1. The Probate Judge and the Judge of the Municipal Criminal Court of the City and County of San Francisco shall each be entitled to receive the reports of the decisions of the Supreme Court of this State and the Statutes of this State, hereafter published, in the same manner as County Judges.

Statutes
and
Supreme
Court
Reports.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER XLI.

An Act to provide for the erection of a Court House and Jail in the County of Stanislaus.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Court House and Jail for Stanislaus County. SECTION 1. The Board of Supervisors of Stanislaus County shall, at their first regular meeting in February, A. D. eighteen hundred and seventy-two, or at such special meeting as may be ordered by them, cause to be published in a weekly newspaper in said county, for at least thirty days, a notice to receive plans and specifications for the construction of a Court House and Jail at Modesto, the present county seat of said county, the Board of Supervisors reserving to themselves the right to reject any and all plans and specifications presented for the construction and erection of said public buildings. If any plan and specification presented to the Board of Supervisors by any skillful architect shall be accepted, said Board of Supervisors shall allow such architect a reasonable compensation for his services, not exceeding five hundred dollars, payable out of the County General Fund.

Architect.

Publication of notice. SEC. 2. The Board of Supervisors of said county shall at their first regular meeting in May, A. D. eighteen hundred and seventy-two, or at such special meeting as may be ordered by them, cause to be advertised in a weekly newspaper published in said county, for at least thirty days, a notice to receive proposals and bids to construct and erect a Court House and Jail in accordance with the plan and specifications which shall have been heretofore adopted by said Board of Supervisors for the construction of said public buildings, the Board of Supervisors reserving to themselves the right to reject any and all bids which in their judgment may be too high in price for the construction of said Court House and Jail. The Board of Supervisors shall at said meeting last aforesaid let to the lowest responsible bidder or bidders the contract to build said Court House and Jail, upon condition that such contractor or contractors execute a good and sufficient bond in double the amount of his or their bids, to perform such contract of erecting said public buildings in a skillful and workmanlike manner and in conformity with the plan and specifications aforesaid, which bond shall be approved by the County Judge of said county.

Contract.

Bonds to the amount of fifty thousand dollars may be issued. SEC. 3. For the purpose of obtaining money to erect and construct said Court House and Jail said Board of Supervisors shall, immediately after awarding the contract to erect said public buildings to any person or persons, cause to be issued bonds on behalf of said County of Stanislaus for a sum not to exceed fifty thousand dollars, payable in annual installments, not exceeding four thousand dollars of the principal, on the first Monday of January of each and every year thereafter until said bonds

are fully paid and redeemed; and the same shall bear interest ^{Interest.} from the date of their issuance at the rate of nine per cent per annum, payable annually thereafter, as in this Act provided, until said principal and interest are fully liquidated.

SEC. 4. Said bonds shall be issued upon the order of the Board of Supervisors of said county, and shall be signed by the Chairman of the Board of Supervisors and attested by the Clerk of said Board, with the county seal affixed thereto, and countersigned by the County Treasurer. The bonds shall be issued in denominations of five hundred dollars each, and in all not to exceed the sum of fifty thousand dollars. Said bonds shall be consecutively numbered as issued, and shall bear interest ^{Manner of issuance of bonds.} at the rate of nine per cent per annum, each having coupons ^{Interest.} attached for said interest. Said coupons shall be consecutively numbered, signed, and attested in the same manner as the bonds. Said bonds, with interest thereon, shall be payable at the office of the County Treasurer of said county as hereinafter provided by this Act. Coupon number one shall be for the amount of interest due upon the bond from its date to the first Monday of January, A. D. eighteen hundred and seventy-three, and shall be payable on said last mentioned day, and the balance of the coupons shall be for twelve months' interest, each being payable successively on the first Monday of January thereafter, until said bonds shall mature and be fully liquidated.

SEC. 5. It shall be lawful for the Board of Supervisors of said county to convert said bonds into money, by selling the same, after at least twenty days advertising for sealed proposals in two or more daily newspapers published in this State, to the highest bidder or bidders, for cash, at such place as the Board of Supervisors may designate, for the purpose of raising funds to construct said public buildings; *provided*, that no bond shall be disposed of at a discount of more than ten per cent. The proceeds of all the bonds issued under the provisions of this Act shall be used and applied to the building of the Court House and Jail and the improvement of the Court House block, and for no other purpose whatever. For the payment of the bonds so issued said County of Stanislaus shall become liable ^{Manner of sale of bonds.} for the amount of the principal and interest of the bonds so issued as aforesaid. In case the owner or owners of any of said bonds shall neglect or fail to present the same to the County Treasurer of said county for payment when the same shall become due and payable, said bonds shall then cease to bear interest from and after their maturity. ^{County liable.}

SEC. 6. It shall be the duty of the Board of Supervisors, County Auditor, and County Treasurer of said county, to keep ^{Record to be kept.} a correct record of all bonds issued as provided in this Act, showing the number, date, and amount of each, and to whom issued, when payable, and when paid.

SEC. 7. On or before the first Monday of February in each and every year after A. D. eighteen hundred and seventy-two, the County Treasurer and County Auditor of said county shall present to the Board of Supervisors of said county a verified statement of the amount required to pay the annual interest on ^{Annual statement of amount required for interest and redemption.}

all the bonds then outstanding, and also the amount required to redeem in each year the one fifteenth part of the whole of the original principal of all the bonds issued as hereinbefore provided.

Cancellation.

SEC. 8. Whenever the County Treasurer shall pay any bond or coupon, under the provisions of this Act, he shall indorse on the said bond or coupon so paid the date of the redemption, and from whom redeemed, and the amount paid to redeem the same. He shall preserve in his office all bonds and coupons redeemed, and shall keep a record of the same, giving the number, date, and amount of each, and from whom received, and across each of the bonds and coupons so redeemed he shall write the words "Cancelled by me," and sign his name thereto in his official capacity, and on the first Monday of February of each and every year the County Treasurer shall return to the Board of Supervisors a verified statement of the number and amount of bonds redeemed and paid by him on or before the first Monday of January of said year.

Taxes to pay interest and principal.

SEC. 9. For the purpose of obtaining funds with which to pay the principal and interest of the bonds authorized to be issued by this Act, the Board of Supervisors of said county shall, on or before the first Monday of April, A. D. eighteen hundred and seventy-two, and every year thereafter, at the same time other county taxes are levied by the Board of Supervisors, levy a tax for said purpose of paying the principal and interest of the bonds issued on all the taxable property in said county, as shown by the assessment roll of the previous year, which tax shall be assessed and collected annually, in the same manner as State and county taxes are collected, until said bonds and interest shall be fully paid.

Inspection of material and work.

SEC. 10. After the said contract to build said Court House and Jail shall have been awarded to any person or persons, as hereinbefore provided in this Act, the Board of Supervisors of said county shall appoint, immediately thereafter, one disinterested Commissioner, who shall be a skillful architect, to critically inspect and examine all the material used and to be used in the erection and construction of said public buildings, and report the result of his examination to said Supervisors, or any one of them; and if it shall appear from such report, or otherwise, to the Board of Supervisors that the material, or any part thereof, so used in said buildings shall not be of a good and substantial character, and the same shall not be built in a skillful and workmanlike manner, and in strict conformity with the contract made and entered into by said contractor or contractors and the Board of Supervisors, on behalf of said County of Stanislaus, said public buildings shall not be accepted by the Board of Supervisors of said county nor their duly appointed Commissioners for said purpose.

Payment of Commissioner.

SEC. 11. The Commissioner mentioned in the last preceding section of this Act shall be paid a reasonable compensation for his services, not to exceed five dollars per diem.

Drawing of contract.

SEC. 12. The Board of Supervisors shall, immediately after awarding the contract to any person or persons to build said Court House and Jail, as provided in this Act, employ a disinterested and skillful attorney at law to draw up the contract in

writing made and entered into for the construction of said public buildings aforesaid, who shall be paid a reasonable compensation for his services, not to exceed the sum of one hundred dollars.

SEC. 13. Each and every officer named in this Act who shall neglect or refuse to perform any and all of the duties required of him by this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than two hundred dollars and not to exceed one thousand dollars, and removed from office. Penalties
for neglect
of duties.

SEC. 14. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 15. This Act shall take effect immediately.

CHAPTER XLII.

An Act to authorize certain appropriations of money by the Board of Supervisors of the City and County of San Francisco.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow, and order paid, out of the General Fund, the several sums of money hereinafter mentioned, and to exercise the following powers, to wit: Authority
given.

First—To pay to the several owners and consignees of vessels the amounts paid by them under protest, as harbor dues, not to exceed in the aggregate the sum of thirty-five hundred and seventy-four dollars and seventeen cents. Appropriations.

Second—To pay to P. J. Cody, for labor performed and repairs made to the Bay View Turnpike Road, not to exceed in the aggregate the sum of eleven hundred and sixty-five dollars and thirty-four cents.

Third—To pay the sum of five hundred dollars to the committee of citizens having in charge the celebration of the National Anniversary of eighteen hundred and seventy-one, to assist in defraying the expenses incurred.

Fourth—To pay M. Braden, or his assigns, a sum not to exceed nine thousand four hundred and fourteen dollars and fifty cents, on contract to grade Jefferson Square, to be paid from time to time, as the work progresses.

Fifth—To pay for the improvement of Union Square, the sum of seven thousand dollars, in addition to the amount heretofore allowed.

Sixth—To pay to William P. Humphreys the sum of two thousand dollars, for making survey of and recommending grade

Appropriations.

in that portion of the city and county bounded by Channel, Harrison, Twenty-first streets, and Potrero Avenue.

Seventh—To pay to William P. Humphreys the sum of fifty-eight hundred dollars, for resurveying the Fairmount Academy and Precita Valley tracts, for making block books and maps, and placing stone monuments to perpetuate said survey.

Eighth—To pay to William P. Humphreys the sum of forty-eight hundred dollars, for making survey of and plan for laying out the City Cemetery, erecting stakes, sign posts, with names of avenues and walks thereon; also, for furnishing an estimate of the cost of necessary improvements.

Ninth—To pay, annually, for running expenses, horse feed, repairs to apparatus, and other expenses of the Fire Department, the sum of thirty-five thousand dollars, in lieu of the appropriation heretofore allowed by law.

Deficiencies to be paid out of General Fund.

SEC. 2. To pay out of the General Fund the following sums, which have heretofore been allowed by said Board and ordered paid, in excess of respective allowances provided by law:

First—For City and County Hospital and Almshouse, fifty-two thousand five hundred dollars.

Second—For running expenses and material for the Fire Department, twenty-three thousand one hundred and ninety-two dollars.

Third—For repairs of public buildings, four thousand five hundred dollars.

Fourth—For purposes of urgent necessity, thirty-one thousand dollars.

Fifth—For advertising and election printing, six thousand four hundred dollars.

SEC. 3. This Act shall take effect on and after its passage.

CHAPTER XLIII.

An Act making an appropriation for deficiencies for the twenty-third fiscal year, ending the thirtieth day of June, eighteen hundred and seventy-two.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Deficiency for printing, etc.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, to supply a deficiency in the appropriation for printing, paper, and official advertisements for the twenty-third fiscal year.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER XLIV.

An Act to change the name of the Oakland Cotton Manufacturing Company.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the Oakland Cotton Manufacturing Change Company, a corporation organized under the laws of California, is hereby changed to "The California Jute Manufacturing Company."

SEC. 2. All actions now pending shall not be affected by the change of name, but may be continued in the old name, or changed to the new, upon motion of either party; and after judgment the Court may substitute the new name if desirable. ^{Not to affect actions now pending.}

SEC. 3. This Act shall take effect immediately.

CHAPTER XLV.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to close up Margaret street, in said City and County.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby empowered by ordinance to close up Margaret street, a court or place in the block bounded by Market, Mission, Eighth, and Ninth streets, in said city and county. ^{Authority given.}

SEC. 2. This Act shall take effect immediately.

CHAPTER XLVI.

An Act to provide for the appointment of three additional Notaries Public for the County of Contra Costa.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Governor to
appoint. SECTION 1. For the County of Contra Costa three additional Notaries Public shall be appointed by the Governor, who shall hold office for the term of two years, and until their successors in office are appointed and qualified.

SEC. 2. This Act shall take effect and be in force on and after its passage.

CHAPTER XLVII.

An Act to regulate the fees of the Assistant City and County Attorney of the City and County of San Francisco.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

When fees
shall not be
collected in
street
assessment
suits. SECTION 1. When actions for delinquent street assessments have been commenced and the defendant shall pay the sum due upon such assessment before answer, demurrer, or default by such defendant in such action, the City and County Attorney shall not, nor shall the Assistant City and County Attorney be allowed or collect from such defendant any fee whatever, unless demand has been made for such assessment of said defendant before the complaint in such action was filed; and in case such demand was made, then said Attorney may demand, collect, and receive for his services in such action the sum of five dollars only, upon the payment of which sum and the amounts due upon the assessment sued upon and payment to the Clerk of the Court where suit was commenced the Court fees and library fees allowed by law, such action shall be dismissed and discontinued. No other fees shall be paid to said Clerk for dismissal of such action.

Fees when
actions are
dismissed
before
answer, etc.

SEC. 2. This Act shall take effect immediately.

SEC. 3. All Acts and parts of Acts conflicting with this Act are hereby repealed.

CHAPTER XLVIII.

An Act to repeal an Act entitled an Act concerning roads and highways in the County of Placer, approved March twenty-ninth, eighteen hundred and seventy.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled an Act concerning roads and highways in the County of Placer, approved March twenty-ninth, eighteen hundred and seventy, is hereby repealed. ^{Act repealed.}

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER XLIX.

An Act to authorize the erection and maintenance of a bridge in the City of Petaluma.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Trustees of the City of Petaluma are hereby ^{Description} authorized to erect and maintain a bridge across the Petaluma Creek, in Washington street, in said city. Said bridge shall be a turntable bridge, of sufficient width, when drawn, to admit of the passage of vessels navigating said creek.

SEC. 2. The act of the Board of Trustees of the City of Petaluma authorizing the erection of said bridge is hereby ^{Act} legalized and confirmed. ^{legalized.}

SEC. 3. This Act shall take effect immediately.

CHAPTER L.

An Act amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fiscal year. SECTION 1. Section twenty-three of said Act is hereby amended as follows:

Section 23. The fiscal year of said city shall commence on the first day of April of each year, and end on the last day of March of the ensuing year. The taxes of said city shall be, annually:

City taxes. *First*—A general tax on all the property in the city subject to taxation, not exceeding one per cent of the assessed value thereof, for general purposes;

Second—A tax on all the property in the city subject to taxation, not exceeding one half of one per cent of the assessed value thereof, for the purpose of straightening and improving the navigation of Petaluma Creek, the same to be voted by the qualified voters of said city;

Third—A street tax of three dollars on each male person over twenty-one years of age residing in said city; *provided*, that active and exempt firemen shall not be liable to pay said tax;

Fourth—A tax not to exceed five dollars on each dog owned and kept within said city.

Taxes due
when
levied.

Each of said taxes shall be due to said city on said property and from the owners thereof, and from said persons, whenever the same shall be levied by the Board of Trustees of said city. All taxes shall be levied during the months of August and September of each year.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER LI.

An Act to enable the Regents of the University of California to renew and secure certain loans, and to mortgage and sell certain real estate.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Regents of the University of California are

hereby authorized, from time to time, to renew in their own name, all or any part of a subsisting loan of fifty thousand dollars and interest, made by Isaac H. Brayton, now deceased, from the San Francisco Savings Union, with that corporation or with any other corporation or person, and for the purpose of securing the same to mortgage or convey in trust all or any part of the college block property, so called, in the City of Oakland.

Authorized
to renew
loan.

SEC. 2. Whenever the University shall be removed to Berkeley, and the said college block shall not be required for the purposes of the University, the said Regents shall have power to sell and convey all or any part of the said college block for the best price that they shall be able to obtain, for cash, or partly for cash and the residue on credit, secured with interest upon the portion or portions sold; and the proceeds thereof, as fast as realized, shall be paid into the Building Fund of the University.

May sell
college
blo
removal of
University.

SEC. 3. This Act shall take effect immediately.

CHAPTER LII.

An Act authorizing and empowering the Supervisors of the County of Inyo to sell certain real estate belonging to said County.

[Approved February 1, 1872.]

WHEREAS, one Thomas Edwards did, on the sixteenth day of Preamble. March, in the year of our Lord one thousand eight hundred and sixty-eight, deed to Inyo County certain property, to wit: two certain town lots in the Town of Independence, County of Inyo, State of California, as is shown on the map of said town in the Recorder's office of the County of Inyo, being bounded and described as follows, to wit: lots numbers (9) nine and (11) eleven, in block number twenty-eight (28), which said lots have a frontage of (100) one hundred feet on Washington street, a frontage of (100) one hundred feet on Mary street, and a frontage of (130) one hundred and thirty feet on Kearsage street, which said property was deeded to the said County of Inyo for the purpose of thereon erecting the county buildings; and

WHEREAS, certain other property has since been deeded to said county in the Town of Independence, by Thomas Edwards aforesaid, and the buildings of the county having been erected thereon, and the Board of Supervisors of the County of Inyo being desirous to convey to the said Thomas Edwards the said property by him conveyed to the said County of Inyo and hereinbefore described; now, therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors
to execute
quitclaim
deed.

SECTION 1. The Board of Supervisors of the County of Inyo are hereby authorized, directed, and empowered, immediately after the passage of this Act, to make, execute, acknowledge, and deliver to the said Thomas Edwards, his heirs or assigns, for the consideration of the sum of five dollars, lawful money of the United States of America, a good and sufficient quitclaim deed of all the right, title, and interest of the said County of Inyo, in and to the following described property, to wit: lots numbers (9) nine and (11) eleven in block number (28) twenty-eight, in the Town of Independence, County of Inyo, and State of California, having a frontage of (100) one hundred feet on Washington street, a frontage of (100) one hundred feet on Mary street, and a frontage of (130) one hundred and thirty feet on Kearsage street, as the same is shown on the map of said town on file in the office of the County Recorder of the County of Inyo.

SEC. 2. This Act shall take effect immediately from and after its passage.

CHAPTER LIII.

An Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Petition for
annexation

SECTION 1. Whenever the inhabitants of any portion of territory in the same county and adjoining the boundary of any incorporated city or town in this State shall desire to be annexed to and become incorporated with said city or town, they may present a petition therefor to the Board of Supervisors of the county. Said petition shall be signed by at least ten taxpayers of the territory proposed to be annexed; shall contain an accurate description of such territory; shall pray said Board to order an election as hereinafter provided, and shall be accompanied by an undertaking in the sum of five hundred dollars, with sureties satisfactory to said Board, conditioned for the payment of all the expenses of such election, in case a majority of the votes at such election shall be against such annexation, or the same shall otherwise fail, as hereinafter provided.

Supervisors
to order
election.

SEC. 2. Immediately upon receiving such petition and undertaking, it shall be the duty of said Board of Supervisors to order an election to be held in the territory proposed to be annexed, on a day not less than ten nor more than thirty days thereafter, at a place within said territory to be specified in the

order, to determine whether said territory shall be annexed to said city or town. They shall give notice of such election by advertisement in two newspapers that they shall deem most likely to give such notice to all parties to be affected thereby, and shall provide, in the same manner as for a general election, for the holding thereof, and all laws relating to the conducting of general elections shall apply, so far as applicable, to such special elections, and all persons entitled to vote at general elections and who have been bona fide residents of the territory proposed to be annexed, from the time of the first presentation of such petition to the Board of Supervisors and yet continue such residents, and none others, shall be entitled to vote thereat; *provided*, that whenever the territory which it is proposed to so annex consists of the whole or a portion of an incorporated city or town, such vote shall be by the electors of the whole of said incorporated city or town. The ballots at said election shall be substantially in the following form: "Annexation to (naming the city or town), Yes." "Annexation to (naming the city or town), No."

Qualifica-
tion of
electors.

Ballots.

SEC. 3. Immediately after the close of said election, it shall be the duty of the Inspector to canvass the votes and to make a certificate of the result, and return the same, with the poll lists and ballots, without delay, to the Clerk of the Board of Supervisors. If a majority of the votes at such election shall have voted in favor of such annexation, it shall be the duty of the Clerk forthwith to give notice thereof to the Mayor or other chief officer of such city or town, whose duty it shall be, without delay, to present the same to the Council or other municipal authority of said city or town. The said Council or other municipal authority shall thereupon, by ordinance, approve or disapprove of such annexation, and shall transmit a copy of said ordinance to said Board of Supervisors.

Returns
of votes.

Municipal
authorities
may
approve or
dis-
approve.

SEC. 4. It shall be the duty of the Board of Supervisors, upon receiving a copy of said last mentioned ordinance approving said annexation, forthwith, by ordinance, to declare the territory described in said petition annexed to said city or town; and thenceforth the said territory shall be a part of said city or town, and be subject to all the laws, ordinances, and regulations thereof, and be entitled to all the benefits, advantages, and privileges pertaining thereto, the same as if it had been originally included in the corporate limits of said city or town; and all laws or ordinances before applicable to said territory, or that if enforced would conflict herewith or with the jurisdiction of said city or town over said annexed territory, so far as they apply to said territory are hereby repealed.

If election
approved,
duty of Su-
pervisors.

SEC. 5. If the said annexation shall be completed as herein provided, all the expenses of said election shall be paid by said city or town in the same manner that other election expenses are required by law to be paid therein. If the same shall fail by reason of a majority of the votes at such election being cast against such annexation, or the rejection of the same by the municipal authorities of said city or town, said expenses shall be paid by the parties to the undertaking above mentioned; and in case of their neglect or refusal to pay the same, an action shall be brought by the District Attorney of said county, upon

Payment of
expenses of
election.

such undertaking, to compel the payment thereof. Such actions shall be in the name of the people of the State of California.

Filing of
ordinance
of annexa-
tion.

SEC. 6. Immediately upon the passage by the Board of Supervisors of the ordinance of annexation, it shall be the duty of the Clerk of said Board to transmit certified copies of such ordinance to the Secretary of State and the Recorder of Deeds of such county, to be filed by them in their respective offices.

SEC. 7. All laws or parts of laws that conflict herewith, so far as they so conflict, are hereby repealed.

SEC. 8. This Act shall take effect immediately.

CHAPTER LIV.

An Act to pay the claim of James T. Ryan, for services rendered the State of California as Commissioner of War Bonds.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Two
thousand
dollars ap-
propriated.

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any moneys in the General Fund in the State Treasury not otherwise appropriated, to pay the claim of James T. Ryan, for services rendered the State under the provisions of an Act of the Legislature of the State of California, entitled an Act relating to the war debt of the State, approved May sixth, eighteen hundred and sixty-one; and the Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer for said amount, and the Treasurer of State is directed to pay the same.

CHAPTER LV.

An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

[Approved February 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and forty-five of the above entitled Act is hereby amended so as to read as follows:

Claims of
executors
or admin-
istrators.

Section 145. If the executor or administrator is himself a creditor of the testator or intestate, his claim, duly authenticated by affidavits, shall be presented for allowance or rejection to the Probate Judge, and its allowance by the Judge shall be

sufficient evidence of its correctness. If the Probate Judge reject the claim, the executor or administrator may commence an action in any Court of competent jurisdiction, within ninety days thereafter, against the estate of the testator or intestate, to establish the correctness of the claim. Immediately after commencing such action he shall notify the Probate Judge thereof, in writing, who shall thereupon appoint some suitable attorney to appear and defend the estate in such action; *provided*, if the Probate Judge fail to appoint an attorney, or if no attorney appears in the action within ten days after such appointment, the Court in which the action is pending, on application, shall appoint an attorney. The Court before which such action is tried shall allow said attorney such compensation as it deems just and reasonable; said compensation to be taxed as costs in the case, and recovered from the party against whom judgment is rendered.

Probate
Judge to
appoint
attorney
for estate.

CHAPTER LVI.

An Act empowering and requiring the Board of Supervisors of Lake County to audit and allow the claim of Thomas Allison.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Lake County are hereby authorized to audit and allow the claim of Thomas Allison for the amount due him for moneys by him expended in the construction of a certain piece of road or highway in said Lake County, viz: that part of the public highway in said county known as the Allison Grade, commencing at the Boggs Toll Road, near Davis' farm, and extending westerly about seven hundred yards, to a point near said Allison House.

For what
service.

SEC. 2. The County Auditor of said Lake County is hereby authorized and required to draw a warrant upon the County Treasurer of said county in favor of said Thomas Allison for the sum allowed by said Board of Supervisors in pursuance of this Act.

Warrant.

SEC. 3. The County Treasurer of said county is hereby authorized and required to pay said warrant out of any moneys in the General Road Fund of said county not otherwise appropriated.

How
payable.

SEC. 4. The claim specified in this Act shall not be allowed by said Board of Supervisors at a sum exceeding the sum of four hundred and twenty-five dollars.

Amount.

SEC. 5. This Act shall take effect from and immediately after its passage.

CHAPTER LVII.

An Act to provide for the payment of certain coupons upon bonds of the State of California that have been lost.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Description
of
coupons.

Indemnity
bond.

SECTION 1. The Treasurer of State is hereby directed to pay to Donohoe, Kelly & Company the sum of two hundred and forty-five dollars, being the amount of coupons number nineteen, due January first, eighteen hundred and sixty-eight, upon bonds of the State of California, numbered respectively: seventeen hundred and eight, seventeen hundred and nine, seventeen hundred and ten, seventeen hundred and twelve, seventeen hundred and fifteen, seventeen hundred and sixteen, and seventeen hundred and seventeen, which said coupons were each for the sum of thirty-five dollars, and have been lost; *provided*, that said payment shall not be made until said Donohoe, Kelly & Company shall execute and deliver to said Treasurer an undertaking, approved as to form and sufficiency by the Attorney General, to the effect that they will at all times hereafter protect and save harmless the people of the State of California against said coupons and against all persons lawfully claiming them, or either of them, and against all damages or expenses for or on account thereof.

SEC. 2. This Act shall take effect immediately.

CHAPTER LVIII.

An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Not to be
invested in
bonds of
counties
having
excessive
debts.

SECTION 1. The State Board of Examiners are hereby authorized to invest the moneys derived from the sale of State school lands, and any other moneys they may be directed to invest for the benefit of the State School Fund, in the bonds of the several counties of this State; *provided*, that no bonds of any county shall be received of which the debt, debts, or liabilities at the time exceed fifteen per cent of the assessed value of the taxable property of said county.

SEC. 2. Whenever there shall be in said State School Fund, ^{Amounts to be invested.} applicable to investment, the sum of ten thousand dollars or more, the said Board may invest said amount in the bonds of the several counties of this State, in accordance with section one of this Act; but in no case shall the said Board pay more than the par value of any bonds.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER LIX.

An Act to authorize the distribution of the reports of the State Geological Survey.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. On the application of any Consul residing in the City of San Francisco and representing an European Government, to the Governor of the State of California, requesting a set of the reports of the State Geological Survey, to be deposited in some well known and established scientific or literary institution under the control of the Government of which he is the accredited representative, an order may issue from the Governor to the Secretary of State or the State Geologist, as the case may be, directing them to furnish one such set of reports only to each nation having a Consul residing in San Francisco; ^{Reports for foreign nations.} *provided* further, that the State Superintendent of Public Instruction shall be furnished, on demand on the Secretary of State and the State Geologist, with one set for the State Normal School, two sets for the State University, and two sets for the State Library. ^{For State institutions}

SEC. 2. The Secretary of State or the State Geologist, on the presentation of such order, shall deliver to the party therein named such set or parts of set of the reports of the State Geological Survey as may be designated, taking his receipt therefor. ^{How delivered.} They shall annually, on the first day of September of each year, report to the Governor the number of volumes so issued, at whose request, and to what institution presented.

SEC. 3. This Act shall take effect immediately.

CHAPTER LX.

An Act to authorize the Board of Supervisors of Santa Barbara County to build a Court House and Jail in said county, to issue bonds of said county for the construction thereof, and to provide for the payment of the same.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors
to issue
bonds.

SECTION 1. The Board of Supervisors of Santa Barbara County are hereby authorized and empowered to issue bonds of said county for the erection of a Court House and Jail at the county seat of said county, for any amount not exceeding forty thousand dollars, bearing interest at the rate of seven per cent per annum. Coupons for the semi-annual interest shall be attached to each bond, and said bonds and coupons shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor and Treasurer of said county.

When due
and
payable.

SEC. 2. The bonds authorized to be issued by the provisions of this Act shall be due and payable in gold coin of the United States, at the office of the County Treasurer of the County of Santa Barbara, on the first day of July, one thousand eight hundred and ninety two; *provided*, that the Board of Supervisors of said county shall have power, and they are hereby authorized, to redeem said bonds before their maturity, as hereinafter provided. The interest on said bonds shall be due and payable in gold coin of the United States, on the first days of January and July of each year, at the office of the County Treasurer of said county.

How
canceled.

SEC. 3. All coupons for interest, when paid, shall have the word "Cancelled" written across the face of the same, with the date of said payment, by the County Treasurer, who shall deliver them to the County Auditor, taking his receipt therefor. Said County Auditor shall file and preserve such coupons, and upon the books of his office record the transaction.

Tax to pay
interest.

SEC. 4. For the purpose of paying the interest on the bonds authorized to be issued by this Act, the Board of Supervisors of said county shall at the time of levying county taxes in each year, levy a special tax on all real and personal property in said county sufficient to pay the interest on the bonds then outstanding as said interest falls due. Said tax shall be assessed and collected in the same manner as other county taxes, and by the County Treasurer set apart as a special Fund, to be known as the "Court House Bond Interest Fund;" and it shall be the duty of the County Treasurer to pay said coupons out of said Fund, as the same shall fall due.

Deficiency
or surplus
of tax.

SEC. 5. If the special tax authorized by section four of this Act shall be insufficient to pay all the interest due in any one year, then the County Treasurer shall pay the same out of the "County General Fund;" and he shall retain on hand sufficient of such Fund to meet such payments. If there is a surplus pro-

duced by such special tax, the County Treasurer shall transfer the same to the "Court House Bond Redemption Fund."

SEC. 6. In and for the year eighteen hundred and seventy-eight, and annually thereafter until all of said bonds are redeemed, the Board of Supervisors of said county shall levy, and cause to be collected, a tax sufficient to pay ten per cent of the amount of said bonds then remaining unpaid. The tax to be levied and collected under the provisions of this section shall be assessed and collected as other county taxes, and by the County Treasurer set apart as a special Fund, to be known as the "Court House Bond Redemption Fund." Tax for redemption.

SEC. 7. Whenever there is in said Redemption Fund the sum of twenty-five hundred dollars or over, the County Treasurer shall advertise in some newspaper printed in said county, and if no newspaper is published in said county, then in some newspaper in an adjoining county, once a week for four successive weeks, that he is prepared to receive proposals for the redemption of a certain amount of said bonds, specifying the time and place for opening such proposals, to be opened publicly in the presence of the County Auditor; *provided*, that no bid above par value shall be considered, and that the bonds shall accompany all bids. In case the proposals for the surrendering of said bonds, at par value or less, should not absorb the whole amount in said Redemption Fund, then the County Treasurer shall advertise, in the same manner as provided in this section for the advertising for proposals for the redemption of bonds, that he is prepared to redeem at par value a certain amount of bonds in the numerical order in which they were issued, stating the numbers. The interest upon the bonds so advertised by the County Treasurer to be redeemed shall cease from and after the date of said advertisement. On the redemption of any of said bonds, the County Treasurer shall cancel the same by writing across the face the word "paid" with the date of redemption and the amount paid, and also sign said statement, and deliver said bonds and any coupons that may be thereto attached, to the County Auditor, taking his receipt for the same; and the County Auditor shall file said bonds and coupons in his office, and make a record of the same. Proposals for surrendering bonds.
When interest to cease.

SEC. 8. Before the sale of any of said bonds, the Board of Supervisors shall, at a regular meeting, cause to be entered upon the records of the Board, an order directing the sale of a specified amount of bonds, and shall cause to be inserted in a newspaper published in Santa Barbara County, and also in one published in the City and County of San Francisco, a notice that sealed proposals will be received by the Board for the purchase of said bonds, said notice to be published once a week for four successive weeks, and shall state the time and place for the opening of said proposals. At the time and place named in said notice, the Board of Supervisors shall publicly open said proposals and award the purchase of said bonds to the highest responsible bidder; *provided*, that said Board may reject any or all bids; and *provided* further, that no bonds shall be sold for less than eighty cents on the dollar, par value. How bonds are to be sold.

When to
be sold
without
public
notice.

SEC. 9. The Board of Supervisors may sell said bonds at not less than ninety-five cents on the dollar, par value, without the notice provided for in the preceding section; and *provided*, that nothing but gold coin of the United States shall be received for said bonds.

Record to
be kept.

SEC. 10. A full and complete record shall be kept by the Board of Supervisors of the number, date, and amount of each bond, and all proceedings in relation thereto.

Disposal of
proceeds.

SEC. 11. The proceeds of the sale of said bonds shall be paid into the County Treasury and be by the Treasurer set apart as a separate Fund, to be known as the "Court House and Jail Fund," and shall be expended, under the direction of the Board of Supervisors, for the exclusive purpose of building a Court House and Jail for the use of said county, together with the necessary offices for the transaction of the public business of said county.

Payment of
expenses.

SEC. 12. The Board of Supervisors are hereby authorized to appropriate a sum not exceeding five hundred dollars, out of the "General Fund" of Santa Barbara County, for the payment of the necessary expenses attending the preparing of the afore-said bonds and publishing the notices required by the provisions of this Act.

Liability
for bonds
on division
of county.

SEC. 13. In the event of the County of Santa Barbara being divided into two or more counties after the passage of this Act, and before the maturity of the bonds by this Act authorized to be issued, the county in which said Court House and Jail are situate after said division shall assume and pay all bonds, with the interest on the same, that remain unpaid at the time of the division of said county, as above referred to.

Compensation of
Treasurer
and
Auditor.

SEC. 14. The County Treasurer and County Auditor shall be entitled to and receive out of the "General Fund" of said county such compensation for the services required to be by them performed under this Act as the Board of Supervisors shall deem just and proper.

SEC. 15. This Act shall take effect immediately.

CHAPTER LXI.

An Act in relation to the office of the County Clerk of the City and County of San Francisco.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

When
offices shall
be kept
open.

SECTION 1. The County Clerk of the City and County of San Francisco shall keep open his office, and all offices attached to the various Courts of which he is the Clerk, within said city and county, for the transaction of business, every day in the year, except Sunday, New Year's Day, Twenty-second of Feb-

ruary, Fourth of July, Thanksgiving, Christmas Day, and on the days on which the general and the special judicial elections are held, from nine o'clock in the forenoon to the hour of four o'clock in the afternoon.

SEC. 2. He shall take charge of and safely keep, or dispose of according to law, all books, papers, and records which are or may be filed or deposited in his office, and of all the Courts of which he is Clerk; and he shall not allow any paper, files, or records to leave his custody except when required by the Judges of the Courts, to be used by them, or either of them.

Books, papers, etc., to be retained in his office.

SEC. 3. No Judge or other officer of any Court shall make any order for the delivery by the County Clerk of said city and county of any paper, files, or records in his custody; nor shall the Courts or Judges thereof have any power to make orders for the delivery of any certificate of incorporation, bonds, or other papers filed with the said County Clerk. When any of said papers are required for evidence in any of the Courts within said County the County Clerk or his deputies shall produce the same, under subpoena or order of the Court, or furnish certified copies of the same, on application, on payment to said Clerk for said copies, at the rate of ten cents per folio for each one hundred words, which shall be allowed said Clerk, to be used and disbursed by him for copying as aforesaid.

How documents or copies of same are to be produced in Court.

SEC. 4. Neither the County Clerk nor any of his deputies shall be required to attend as witnesses, in their official capacities, outside of the City and County of San Francisco, unless his expenses be paid, at the rate of ten cents per mile to and from the place he may be required, and five dollars per day for each day's attendance.

Expenses to be paid for attending Court.

SEC. 5. All Acts and parts of Acts, so far as they conflict with this Act, are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAPTER LXII.

An Act to regulate the forfeiture of policies of Life Insurance.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No policy of insurance on life hereafter issued by any company incorporated under the laws of this State shall be forfeited or become void by the non-payment of premium thereon, any further than regards the right of the party insured therein to have it continued in force beyond a certain period, to be determined as follows, to wit: the net value of the policy when the premium becomes due and is not paid shall be ascertained according to the American Experience Life Table rate of mortality, with interest at four and a half per centum per

When but partially forfeited.

Proportion
forfeited by
non-
payment of
premium
due.

annum, or the same interest which has been assumed in finding the net value of the policy, after deducting from such net value any indebtedness to the company, or notes held by the company against the insured, which notes, if given for premium, shall then be canceled. Four fifths of what remains shall be considered as a net single premium of temporary insurance, and the term for which it will insure shall be determined according to the age of the party at the time of the lapse of premium and the assumption of mortality and interest aforesaid.

Insurance
due on
death of
insured.

SEC. 2. If the death of the party occur within the term of temporary insurance covered by the value of the policy, as determined in the previous section, and if no condition of the insurance other than the payment of the premium shall have been violated by the insured, the company shall be bound to pay the amount of the policy the same as if there had been no lapse of premium, anything in the policy to the contrary notwithstanding; *provided*, however, that notice of the claim and proofs of death shall be submitted to the company within six months of the decease; and *provided*, also, that the company shall have the right to deduct from the amount insured in the policy the amount, at ten per centum per annum, of the premium that has been forborne at the time of the death.

Proofs of
death.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXIII.

An Act to repeal an Act entitled an Act providing for the recording of the papers filed in the Probate Court of the County of Santa Clara, in certain cases, approved April second, eighteen hundred and seventy.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Act of April
second,
eighteen
hundred
and
seventy,
repealed.

SECTION 1. An Act entitled an Act providing for the recording of the papers filed in the Probate Court of the County of Santa Clara, in certain cases, approved April second, A. D. eighteen hundred and seventy, is hereby repealed; *provided*, however, that none of the provisions of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, or of any Act amendatory thereof or supplementary thereto shall, by reason of this repeal, be repealed or in any manner affected.

SEC. 2. This Act shall take effect from and after March fourth, eighteen hundred and seventy-two.

CHAPTER LXIV.

An Act to amend an Act entitled an Act to provide for the liquidation of all claims against the State not otherwise provided for by law, approved April first, eighteen hundred and seventy.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of an Act entitled an Act to provide for the liquidation of all claims against the State not otherwise provided for by law, approved April first, eighteen hundred and seventy, is hereby repealed. Repeals
one section.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXV.

An Act to appropriate money for the relief of James W. Marshall.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two hundred dollars per month, for the period of two years, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the relief of James W. Marshall; *provided*, however, that the appropriation hereinbefore provided for shall cease on the death of said Marshall, if the same should occur within the two years named. Two hundred dollars
per month
for two
years.

SEC. 2. The Controller of the State is hereby directed to draw his warrants, monthly, for the sum of two hundred dollars each, in favor of James W. Marshall, and the Treasurer of State is hereby directed to pay the same.

SEC. 3. Said warrants shall not be assignable.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER LXVI.

An Act supplemental to an Act entitled an Act granting the right of way over certain lands in the Counties of Lake and Sonoma for the construction of a wagon road, approved March fifteenth, eighteen hundred and sixty-four.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changes
authorized

SECTION 1. The owners of the road built under the Act of the Legislature to which this is supplemental are hereby authorized and empowered to make such changes and alterations in their said road, and at such places along the line thereof, for the purpose of lessening and improving the grade, as they may deem advisable.

Right
of way.

SEC. 2. The right of way for the purpose specified in the preceding section is hereby granted to the owners of said road; *provided*, however, that nothing herein contained shall be construed so as to authorize said owners to stop up or appropriate to their own use the public highway, or any portion thereof, belonging to Lake or Sonoma Counties, and now traveled between Lakeport and Cloverdale; and *provided* further, that nothing in this Act shall be held or construed so as to authorize said owners to appropriate the lands or premises of any person or persons for such alterations or changes in their said road, without the consent of the owner or owners thereof, or without condemning the same as provided for condemning lands for railroad purposes.

SEC. 3. The alterations and changes in said road authorized by this Act, when completed, shall constitute and form a part of said road, and the owners shall have the right to charge and collect tolls thereon, and the same shall be subject to the regulations and restrictions provided in an Act to which this is supplemental.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER LXVII.

An Act fixing the salary of the County Judge of Los Angeles County.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary
fixed at
three
thousand
dollars.

SECTION 1. The County Judge of Los Angeles County shall receive a salary of three thousand dollars per annum, in gold

coin, payable monthly, out of the Salary Fund of Los Angeles County.

SEC. 2. This Act shall take effect from and after the expiration of the term for which the present incumbent was elected, and shall in no wise affect the compensation of the present County Judge of Los Angeles County.

CHAPTER LXVIII.

An Act to provide for the keeping of stallions and other animals.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any person to keep or let to mares any stallion or jack, within the limits of any town or village in this State, or within four hundred yards thereof, unless such person shall provide an inclosure so arranged as to obstruct the view from all the inhabitants of the town and vicinity as aforesaid. Any person so offending shall, upon conviction thereof before any Recorder or Justice of the Peace, be fined ten dollars and costs for the first offense, and double that sum for each subsequent offense; and in the default of the payment of such fine, said offender so convicted shall be imprisoned in the County Jail, at the rate of two dollars per day, until said fine has been fully satisfied.

Limits prescribed for stallions and jacks.

Penalty for violation of law.

SEC. 2. All fines collected under this Act shall be paid into the County Treasury, for the benefit of the General School Fund of the county.

Fines.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER LXIX.

An Act to amend an Act entitled "An Act concerning jurors in the City and County of San Francisco," approved May twentieth, eighteen hundred and sixty-one.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended to read as follows:

Section 5. If of the persons summoned to form a Grand

Manner of
constituting
a Grand
Jury.

Jury, in accordance with either of the modes prescribed in the section of this Act next preceding, and appearing, there shall, after such as shall show cause therefor or shall be disqualified, shall be excused or discharged, remain twenty and no more, they shall constitute a Grand Jury. If more than twenty shall remain, the Clerk of the Court shall prepare separate ballots containing the names of the persons so summoned, appearing, and not excused or discharged, and deposit them in a box; and the said Clerk or Sheriff, under the direction of the Court, shall draw from the box twenty names, and the persons whose names are so drawn shall constitute the Grand Jury. If of the persons so remaining there shall be less than twenty, they shall be placed upon the Grand Jury, and the Court may order the Sheriff to summon from the body of the county, and not from the bystanders, a sufficient number of persons to complete the Grand Jury.

CHAPTER LXX.

An Act to amend section five of an Act entitled an Act to provide funds to be applied to building a Hospital in the City and County of San Francisco, approved March twenty-eighth, eighteen hundred and sixty-eight.

[Approved February 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended so as to read as follows:

Bonds for
hospital
purposes.

Section 5. Whenever said bonds, or any portion of them, are issued, the Treasurer and Auditor of said city and county are hereby authorized and empowered to sell the same to the highest bidder therefor, after having first advertised the same for three successive weeks in three daily newspapers published in said city and county. All moneys derived from the issue and sale of said bonds shall be appropriated and used for the purpose of building and furnishing a hospital, and for improving and inclosing said hospital grounds in the City and County of San Francisco; the location, style, and material thereof; the construction, the furnishing, and all contracts and plans relating thereto, to be determined by said Board of Supervisors, and in all cases to be approved before the adoption or ratification of the same by the Mayor, Auditor, and Treasurer of said city and county. But no bonds authorized to be issued by this Act shall be sold for a less sum than seventy-five cents in gold coin on the dollar, par value.

Contracts.

Price of
bonds.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER LXXI.

An Act concerning roads and highways in the Counties of Plumas and Lassen.

[Approved February 3, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Board of Supervisors of the Counties of Plumas and Lassen, at their first regular meeting after the passage of this Act, to make an order declaring and defining what roads shall be regarded as roads and public highways in said counties, and to be worked as such, as hereinafter provided for.

Roads and highways defined.

SEC. 2. All applications to lay out, alter, or discontinue any public or private road within said counties shall be made to the Board of Supervisors thereof in writing, signed by five or more of the taxpaying residents of the road district wherein they may desire to lay out, alter, or discontinue such public or private road. Said application shall state and set forth specifically the starting point, the course, and terminus of the proposed new road; and if an alteration, change, or discontinuance of an established road, such proposed change or discontinuance shall be set forth in like manner. Notice of application for a new road shall be given by posting the same in writing at the door of the Court House of the county, and a like notice in some public or conspicuous place near the starting point of the proposed road, at least ten days before the hearing of said application by the Board of Supervisors. If the application is for a change or discontinuance of any road, then by notifying in writing all parties residents of the county who own or occupy land on the line of said road so proposed to be altered or discontinued. If the owner of the land be a non-resident of the county, and his name and residence be known, then he shall be notified by placing a notice in the Post Office directed to such owner at his place of residence at least twenty days before the application shall be acted upon by the Board of Supervisors. The notice herein prescribed shall be in writing and signed by one or more of the applicants, and a verified copy of said notice shall be evidence thereof. If no objections are made to the granting of the application on its presentation, and action being had thereon by the Board of Supervisors, the said Board shall appoint three persons, residents of the township or district wherein such road is to be located, as Viewers, to view out and locate the proposed road on the most practicable route, having due regard to the character of the ground and the intermediate points proposed to be changed; also, the rights of all parties interested therein. Said Viewers shall, so soon as practicable, or at such time as the Board of Supervisors may direct, report to said Board in writing, under oath, setting forth specifically the objections made by any party affected by said proposed

Applications relating to roads and proposed roads.

Objections.

Duties of Road Viewers.

Same. road or alterations thereof, and the amount of damage that will be sustained by any person by reason of the laying out or changing said road. In making such view and report the Viewers shall take into consideration the benefits to be received by the party or parties through or along whose lands the proposed road is to be located, or by reason of any change to be made in any road. Before such report is made the Board of Supervisors shall hear and determine all questions touching the location or alteration of said road, and if the matter is decided against the party or parties objecting to the proposed location or alteration he or they shall pay all costs, and if decided against the applicant or applicants, he or they shall pay all costs. In all cases where a viewing or survey of a new road or an alteration of an old road shall be required, the Board of Supervisors may require the party or parties asking the same to pay or secure the payment of the costs thereof, and in like manner the Board may require the payment or security for the payment of all costs for opposing the location, alteration, or discontinuance of any road, and on final determination of the matter said Board may order the defeated party or parties to pay the other party or parties all costs by him or them paid; and if such costs be not paid on the order of the Board of Supervisors, the party or parties to whom the same are due may sue for and recover the same in a Court having competent jurisdiction.

Supervisors
may award
damages.

SEC. 3. The Board of Supervisors may, in their discretion, refuse to locate or change any road applied for in pursuance of section two of this Act wherein damages may be claimed, or where there is a probability that such may be awarded in the event that the application is granted. If, however, said Board shall be satisfied that the location or change of any road applied for as aforesaid is necessary for the public good, and shall order the location or change thus applied for, then, before any work shall be performed in the location or change of such road, the Board shall authorize the Auditor to draw his warrant on the County Road Fund for the amount which shall have been ascertained to be due as damages to any person or persons injured by such location or change. In addition to the report of the Viewers provided for in section two of this Act, the Board of Supervisors may receive such other evidence as they may deem proper, and in all cases they shall strictly regard the benefits of the proposed location or change of any road to the party or parties claiming damages.

Expense of
private
roads.

SEC. 4. The expense of establishing and keeping in repair all private roads shall be borne by the party or parties who applied for and secured the privilege of the same, and said parties shall erect or cause to be erected good and substantial gates across said road where it shall pass through any fence that may surround the inclosure through which such road may pass, and keep the same in good repair at all times.

Width.

SEC. 5. All public highways in said counties hereafter laid out shall not be less than sixty nor more than eighty feet in width.

Penalty for
obstruction!

SEC. 6. Any person who shall willfully obstruct any public or private road by fencing across the same, or in any manner changing the same, without first having proceeded by applica-

tion to the Board of Supervisors as required by this Act, or who shall in any manner obstruct or cause to be obstructed such roads so as to impede the free and easy passage over and along the same, or shall injure any bridge or causeway, or by damming, digging, or deepening any stream on its banks in such manner as to destroy or injure a ford or crossing, or dig a ditch and not bridge the same in a good and substantial manner the full width of the road it crosses within twenty-four hours thereafter, shall be deemed guilty of a misdemeanor and be liable to a prosecution before any Justice of the Peace in said county on complaint of any Supervisor of the county, or the Road Overseer of the district, on behalf of the "People of the State of California," and upon conviction thereof shall be fined in any sum not exceeding two hundred and fifty dollars; and the judgment of the Justice may require that the defendant be imprisoned in the county jail until the fine be paid, at the rate of one day's imprisonment for every two dollars fine. After deducting the legal costs of prosecution the remainder of the fine shall be paid into the County Road Fund.

SEC. 7. Any member of the Board of Supervisors shall have authority to administer an oath to any witness testifying in cases before the Board. The Board shall also have power to make from time to time such rules regulating the procedure of parties in contested cases before it as may be deemed expedient, and not inconsistent with the Constitution and laws of the State.

SEC. 8. It shall be the duty of the Board of Supervisors of the Counties of Plumas and Lassen to divide their respective counties into road districts, and they shall have power to levy annually a road poll tax on all able-bodied men between the ages of twenty-one and fifty years, which tax shall not exceed the sum of three dollars per annum, payable in money. Said Board of Supervisors shall also have power, whenever it shall appear to them, from information received from any one or more of the Road Overseers or otherwise, that the road poll tax in any one or more of the road districts will not be sufficient to put and keep in good repair the roads of said district for the year, to levy a road labor tax, which shall be assessed against each individual, firm, or corporation in said district liable to a tax, in days or fractions of days, in proportion to the amount of their assessment on the preceding assessment roll, and they shall at the same time fix a commutation fee for the labor tax of not less than one dollar and fifty cents nor more than three dollars for each day's labor assessed.

SEC. 9. The Board of Supervisors shall, at some one of their regular meetings, appoint one Road Overseer for each road district in the county, and said Overseer shall hold his said office for such period as may be fixed by said Board, not exceeding two years, and be a resident of the district. It shall be the duty of such Road Overseers to keep all the highways in their respective districts clear from all obstructions and in good repair; causing banks to be graded, bridges and causeways to be constructed when necessary, and keep the same in good repair, and shall report to the Board of Supervisors at the Spring term the probable number of road poll taxes that can be collected in their

districts, and the probable amount in value it will take to put and keep the roads in good repair in their respective districts for the year.

Road Tax
Collector.

SEC. 10. The Road Overseer of each road district shall be ex officio Road Tax Collector for the district in which he resides, and he shall give bonds in such sum as the Board of Supervisors may require, for the faithful performance of his duties as such Road Overseer and Road Tax Collector. He shall collect the road tax levied in accordance with this Act, and shall qualify by giving the bonds prescribed herein and taking an oath to support the Constitution of the United States and the Constitution of the State of California, and to faithfully discharge the duties of his said office, within ten days after his appointment, and may continue in said office during the term for which he may have been appointed, unless sooner removed by the Board of Supervisors for good cause shown.

Delin-
quents.

SEC. 11. The Road Overseer shall collect said road tax, at such times as may be directed by the Board of Supervisors, from each and every person liable to pay such tax within his road district; and any person liable to pay a road tax levied in pursuance of this Act, who shall refuse or neglect to pay the same, on demand being made by the Road Overseer of his district, shall be regarded as a delinquent; and said Overseer is hereby empowered to seize upon any property belonging to said delinquent, and shall sell the same at public auction, after giving one hour's notice, to the highest bidder, for cash, or so much thereof as may be necessary to satisfy said delinquent tax, and three dollars additional as costs, to the Overseer for services in making such sale; and after having given one hour's notice to sell the same as aforesaid, by public proclamation, and in case no bidders are present nor any bid made for said property at the hour of sale, he shall postpone the sale from day to day, by proclamation, not to exceed five days in all. The Overseer shall, immediately after such sale, execute to the purchaser of the property such a certificate of sale as is required to be given by Sheriffs for sales of property under execution, and if the property thus sold shall sell for more than is required to satisfy said road tax and costs the Overseer shall at once pay over the balance to said delinquent.

Road tax
receipts.

SEC. 12. The Board of Supervisors, immediately after levying said road tax, shall cause proper blank road tax receipts to be printed, of uniform appearance, which shall be numbered consecutively and signed in writing by the Chairman thereof, and no other receipts for road purposes shall be given by Road Overseers.

County
Auditor.

SEC. 13. The Chairman of the Board of Supervisors, after having numbered and signed so many of such receipts as may be required by the several Road Overseers in the county, shall deliver them to the County Auditor, taking his receipt therefor.

Road
accounts.

SEC. 14. The Auditor shall sign said road tax receipts and issue to each Road Overseer of the county such number of said receipts as he may require. The Auditor shall keep a just and true account, in a book provided for that purpose, of the debit and credit with the Overseer of each district.

SEC. 15. The Overseer of each road district shall keep a book in which he shall enter or cause to be entered the name of each person in his district who pays the amount of his road labor tax, either in labor or money, as provided for in this Act. In this book he shall also keep an accurate account of all moneys expended by him, and all labor performed and by whom performed in his district for road purposes, and shall enter therein the names of all who pay their road poll tax. Overseer's record book.

SEC. 16. The Road Overseer shall report from time to time to the Board of Supervisors as may be by them required: Road reports.

First—The amount of money collected by him on road poll tax.

Second—The amount of commutation fee collected.

Third—The amount of money expended and for what purpose.

Fourth—The amount of road labor tax paid in labor and by whom paid, and also the number of days service he has rendered as Overseer and Collector, which report shall be made under oath. He shall also, whenever directed so to do by the Board of Supervisors, return to the County Auditor all road tax receipts in his possession unsold, and account by statement under oath for those sold and not in his possession, and upon making such return and statement shall receive from the Auditor a certificate certifying that all road tax receipts issued to him have been fully and properly accounted for, and at the expiration of his term of office he shall return to the Auditor all unsold road tax receipts in his possession and all receipts for moneys paid out by him for road purposes and such moneys as may be in his hands for such purposes, taking his receipt therefor; and such moneys shall be paid over by the Auditor to the County Treasurer, who shall place the same in the County Road Fund. The Road Overseer may retain such compensation for his services as Road Overseer and Road Tax Collector out of the moneys collected by him as may be fixed by the Board of Supervisors.

SEC. 17. Any Road Overseer who shall fail to discharge the duties required of him under the provisions of this Act shall be deemed guilty of a misdemeanor and liable to a prosecution before any Justice of the Peace in said county on complaint of any Supervisor thereof, on behalf of "The People of the State of California," and on conviction thereof shall be fined in any sum not exceeding two hundred and fifty dollars, and may be imprisoned in the County Jail until such fine be paid, at the rate of one day for every two dollars of said fine. Penalty for neglect of duty.

SEC. 18. The Board of Supervisors shall have power to levy a property tax whenever in their judgment the same may be required, not exceeding thirty cents on each one hundred dollars of taxable property in said county, for road purposes, at the same time that the State and county taxes are levied by them, and said tax shall be collected at the same time and in the same manner as is provided for the collection of State and county tax; and all moneys so collected for road purposes shall be paid by the Collector to the County Treasurer, who shall keep the same in a separate Fund, to be known and designated as the "County Road Fund." The Board of Supervisors shall Tax may be levied.

County Road Fund. have power to appropriate said Fund for the building of bridges, roads, culverts, or to defray other incidental road expenses in the county.

Assessment list. SEC. 19. Immediately after the levying of the road labor tax, whenever such levy is made, it shall be the duty of the Clerk of the Board of Supervisors to furnish each Road Overseer in the county with a list of the names of all taxpayers in his district and the amount of road labor tax assessed against each.

Protection and repair of highways SEC. 20. It shall be the duty of the Road Overseers in the Fall of the year to construct such ditches and breakwater as will tend to protect and guard the public roads and highways in his district from wash and destruction by the Winter rains, and he shall commence the work of repairing said roads and highways so soon in the Spring as the weather becomes sufficiently settled to render such work practicable, being specially attentive to removing all rocks or other obstructions, so that said roads will be entirely free therefrom, and shall call out or employ as many men as he can work to advantage, and continue such work without unnecessary delay until said roads and highways are thoroughly repaired.

Animals and implements to be furnished. SEC. 21. Road Overseers may require a team and wagon, cart, or plow, and a man to manage the same, from any person in his district who has been assessed three days or more and who does not commute, and such person shall be entitled to a credit of three days for each day's service therewith. Road Overseers shall give at least forty-eight hours oral or written notice to all persons assessed a road labor tax within his district, giving notice of the time and place where they are to appear for the purpose of working such tax and with what implements.

SEC. 22. All other Acts or parts of Acts relating to roads and highways in the Counties of Plumas and Lassen are hereby repealed.

SEC. 23. This Act shall take effect and be in force from and after its passage.

CHAPTER LXXII.

An Act to improve the Little Truckee River for rafting and floating logs, timber, and wood, and to provide for the collection of tolls thereon.

[Approved February 3, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Grant of privileges. SECTION 1. The Boca Wood and Lumbering Company is hereby authorized and empowered to improve, at its own expense, the channel of the Little Truckee River, which flows from Weber Lake, in Sierra County, and Independence Lake, in Nevada County, from the outlet of said lakes to its mouth, in the Town of Boca, in Nevada County, by the removal of

snags, sunken trees, rafts, rocks, and other obstructions, and by constructing dams, chutes, and other necessary appliances to straighten, deepen, and improve the channels thereof so as to render it practicable to float down saw logs, lumber, timber, and wood to the said Town of Boca.

SEC. 2. Whenever the said Boca Wood and Lumbering Company shall have expended the sum of ten thousand dollars in the improvements as provided for in the first section of this Act, then from that time forward said company shall be authorized and empowered to collect tolls thereon at the rate of sixty cents per thousand feet for all logs, timber, and lumber, and thirty cents for each cord of wood containing one hundred and twenty-eight cubic feet, for the term of two years; *provided*, that the Board of Supervisors of the county in which the toll is collected shall at all times have power to regulate said rates of toll, not to exceed the amount fixed in this Act, from the passage of this Act. And if at the expiration of three years from the passage of this Act said Boca Wood and Lumbering Company shall have expended the further sum of fifteen thousand dollars in the improvements, as provided in section one of this Act, then the terms and provisions of this Act shall be and continue in full force and effect for the term of twenty years from the date of its passage.

Ten thousand dollars to be expended.

Franchise for two years.

Fifteen thousand dollars to be expended.

Term of franchise.

SEC. 3. For the purpose of ascertaining when said company to which this franchise is granted shall have expended the sum of ten thousand dollars and fifteen thousand dollars, severally, in the improvement of said river, said company may, at any regular meeting of the Board of Supervisors of Nevada County, make proof before said Board as to the amount then expended in good faith, and thereupon an order shall be entered upon their minutes that said sum has been expended for said improvements, and from that time forward said toll or compensation may be collected and received as hereinbefore provided.

Duty of Supervisors

Tolls.

SEC. 4. The dams herein authorized to be constructed shall each, when constructed, contain a fishway or fish ladder, so that fish can readily pass up the stream for the purpose of depositing their spawn; said fishway or fish ladder shall be kept by the proprietors of this franchise in constant repair; and should from any cause the fishway or ladder be out of repair so that fish cannot pass up the stream, then during all the period that such fishway or ladder shall be out of repair said company shall not be authorized to collect toll for any lumber, logs, wood, or timber that may be floated down the river. Should the fishways or ladders be permitted to remain for three months in a condition so that fish cannot pass up stream, then upon complaint of any citizen, and proof of the fact to the Board of Supervisors of either of said counties, said Board of Supervisors shall declare the franchise forfeited to the State, whereupon the right of said company to collect toll thereon shall cease. *Provided*, that this Act shall not be so construed as to prevent the appropriation of the waters of said river for manufacturing, irrigating, domestic, or mining purposes.

Fishways must be constructed

Penalty for failure.

SEC. 5. This Act shall take effect from and after its passage.

CHAPTER LXXIII.

An Act concerning roads and highways in the County of Yuba.

[Approved February 3, 1872.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*Public
highways
declared.

SECTION 1. All roads now used as public highways, and which have been declared to be such by the Court of Sessions or Board of Supervisors, and all roads which the Board of Supervisors may hereafter declare to be such, in accordance with the provisions of this Act, are hereby declared to be public highways.

SEC. 2. There shall be two modes of establishing a public road in said county, viz: First—By condemnation and purchase as herein provided for. Second—By dedication.

Notice of
application

SEC. 3. Any person or persons proposing to apply for the opening or alteration of any road, shall give notice by posting three notices thereof in public places in each road district affected thereby, and in the vicinity of the line of the road proposed to be opened or altered, and one such notice at the door of the room in which the Board of Supervisors of the County hold their meetings, at least thirty days before the meeting of the Board of Supervisors at which the application is to be made, and in such notice shall set forth the place of beginning, the intermediate points, if any, a general description of the proposed route, the termination of such road, the length thereof, or the particular road or portion of road proposed to be altered, and the time when the application will be made. A like notice shall, at least ten days before the meeting of said Board, be served on each person through whose land the proposed road will pass.

Petition.

SEC. 4. Upon the day named in said notices, the person or persons applying for said road shall file a petition with the Clerk of said Board, and present the same to the Board, setting forth the matters contained in said notice, and also asking for the appointment of Viewers to view the route of the proposed road or alteration of road, and that the proposed road be established. If the person or persons owning the land over which the proposed road passes do not reside in the county, or cannot be found, or if such owner is unknown, such notice shall be served by publishing the same once a week for three weeks in some newspaper published in the county, and proof shall be made by affidavit, before said Board, of the posting and service of said notice, and of the publication of said notice if publication be required. If the owner or owners of any of the land over which the proposed road passes is or are an infant or infants, or insane, service of such notice upon the guardian of such infant or insane person shall be sufficient, if such guardian reside in the county, and if he do not reside in the county such publication shall be sufficient.

Publication

SEC. 5. Proof of service as required in section four shall give said Board jurisdiction of the subject matter, and of the persons owning lands over which the proposed road is to pass, and shall be conclusive; and all persons buying any of said lands after such service of notice, shall be deemed to have purchased with actual notice, and shall be bound by all the proceedings. Effect of notice.

SEC. 6. All roads established under this Act shall be not less Width. than sixty feet wide.

SEC. 7. Upon receiving such petition and proof of service, and on the day named in the notice or as soon thereafter as practicable, said Board shall appoint as Viewers three distinguished citizens, one of whom shall be a practical surveyor, and shall place in the hands of such Viewers the petition of the road which they are to view, and upon a day named by the Supervisors or within five days thereof, after taking an oath to perform faithfully the duties devolving upon them by law as such Road Viewers, they shall proceed to view the proposed location or alteration, and shall decide whether such proposed location or alteration is required for public convenience. If in the opinion of the Viewers the prayer of the petitioners is reasonable, and the location or alteration for public convenience, they shall proceed to survey said proposed location or alteration, and shall distinctly mark the commencement, the courses, distances, and the termination of said route, and the Surveyor shall make a plat and field notes of said survey, which shall be filed as a part of the report of said Road Viewers. Road Viewers, and their duties.

SEC. 8. At or before the first day of the regular meeting of the Board of Supervisors next succeeding that at which Road Viewers have been appointed as provided by this Act, they shall file with the Clerk of the Board of Supervisors a report of their proceedings in the premises, in which they shall set forth: Report of Viewers.

First—Who of them were present at the view.

Second—That they were duly sworn.

Third—That the road or alteration of said road is necessary.

Fourth—A plat and field notes of the survey.

Fifth—A description of the road, and the names, as far as known, of the owners of the land over which it passes.

Sixth—The amount of land to be taken from each claimant, as near as possible, and the amount of damage to each of said claimants.

Seventh—The expenses of the view and survey.

SEC. 9. Any person claiming damages for the opening of the proposed road over his land, or for the alteration of any road, by which his land is taken or appropriated, shall, on or before the meeting of the Board of Supervisors to be held next after the appointment of the Viewers by said Board, present a petition stating what and how much of his land will be taken by the proposed road, and what amount of damages he claims therefor. If the Board of Supervisors can agree with him as to the amount of damages, they may do so and order a warrant to be drawn on the County Road Fund for the amount. If they cannot agree, the Board shall appoint three Appraisers to go Claims for damages.

upon the ground and assess the damages. All persons failing to present said petition and claim for damages at the time aforesaid, shall be deemed to have waived all claims for damages, and such failure shall be deemed conclusive evidence of an intention to dedicate their lands for a public highway.

Appraisers. SEC. 10. The Clerk of said Board shall then make out and give to the person or persons claiming or desiring to have such road opened, three certificates of the appointment of the Appraisers, who shall deliver one to each, and the Clerk shall at the same time make out three copies of an oath substantially in the following form: "I, —, do solemnly swear that I have no interest in the damages to be assessed by me, and that I will fairly and impartially appraise said damages." Each Appraiser shall take said oath within five days after it is delivered to him. The Appraisers shall meet on the land and hear statements of all parties desiring to appear, on some day within ten days after having taken said oath, and shall appraise the damages to each person over whose land the proposed road passes still claiming unsettled damages. If there are growing crops on the grounds they shall not be appraised; said damages shall include the value of the land taken and buildings thereon, and nothing more.

Growing
crops.

Appraisers' report. SEC. 11. The Appraisers shall, within five days after making the appraisal, make a report of the same and forward said report to the Clerk of the Board of Supervisors, in which they shall state what amount of land each person was allowed damages for and what the damages were, together with such other information as to them may seem proper.

Confirm-
ation of
report.

SEC. 12. The Board of Supervisors shall, when the report of the Viewers is made out and filed with them, confirm the same, and shall in like manner confirm the report of the Appraisers, unless they consider the same wrong, in which event they may appoint new Appraisers the same as before.

Warrant in
payment.

SEC. 13. When the report of the Appraisers is confirmed by the Board they shall order a warrant to be drawn on the County Road Fund in favor of each person to whom damages have been awarded for the amount of the same. Said warrant shall be in full for all damages, and the report of the Appraisers shall be a final determination of the amount of damages sustained.

Final
estab-
lish-
ment of
road.

SEC. 14. Upon the final establishment of any road, and the payment or order being made to draw warrant for the payment of the damages finally awarded, the Clerk of the Board of Supervisors shall, within ten days thereafter, notify the Roadmaster or Roadmasters of the district or districts within which such road is situated of the establishment thereof and furnish him with a specific description of said road; and it shall be the duty of such Roadmaster or Roadmasters to open such road within thirty days from the reception of such notice, unless there are growing crops on the grounds, in which case the road shall not be opened or altered until after the said crops are harvested.

Penalty for
refusing
to act.

SEC. 15. If any person appointed Road Viewer or Appraiser under the provisions of this Act shall fail to qualify or act, without just or reasonable excuse, he shall be deemed guilty of a misdemeanor, and on conviction thereof liable to a fine of not less than twenty-five nor more than one hundred dollars.

SEC. 16. Any person or persons who shall endeavor to prevent by force the performance of the duties of the Roadmaster or Roadmasters in opening any road or roads, after the final establishment thereof in accordance with the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof liable to a fine not exceeding the sum of one hundred dollars, or imprisonment in the County Jail for a period not exceeding fifty days, or both fine and imprisonment, as the Court may determine.

Interference with officers.

SEC. 17. All Acts and parts of Acts in conflict with the provisions of this Act, are hereby made inapplicable to the County of Yuba.

SEC. 18. This Act shall take effect and be in force from and after its passage.

CHAPTER LXXIV.

An Act to amend an Act entitled, an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one.

[Approved February 5, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five hundred and fifty-three of said Act is hereby amended so as to read as follows:

Section 553. Before issuing the writ, the Justice must require a written undertaking on the part of the plaintiff, with two or more sufficient sureties, in a sum not less than fifty nor more than three hundred dollars, to the effect that if the defendant recover judgment, the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking.

Plaintiff must give a bond.

CHAPTER LXXV.

An Act legalizing the ordinances of the City of Oakland, in respect to the penalties therein.

[Approved February 5, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the ordinances of the City of Oakland, in the County of Alameda, are hereby legalized and declared valid in

Ordinances legalized.

respect to the way and manner the penalties are fixed therein, and that the same are hereby declared to be in accordance with and within the legal intendment of the City Charter of said city, approved April twenty-fourth, eighteen hundred and sixty-two.

SEC. 2. This Act shall take effect and be in full force on and after its approval.

CHAPTER LXXVI.

An Act concerning the office of County Clerk in and for the City and County of San Francisco.

[Approved February 5, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Clerk of the City and County of San Francisco may appoint Deputies as follows: For the District Court of the Fourth Judicial District, in and for said city and county, one Register Clerk, who shall receive a salary of one hundred and seventy-five (\$175) dollars per month; one Court Room Clerk, who shall receive a salary of one hundred and seventy-five (\$175) dollars per month, and two Assistant Register Clerks, who shall receive a salary of one hundred and fifty (\$150) dollars per month each. For the District Court of the Twelfth Judicial District, in and for said city and county, one Register Clerk, who shall receive a salary of one hundred and seventy-five (\$175) dollars per month; one Court Room Clerk, who shall receive a salary of one hundred and seventy-five (\$175) dollars per month, and two Assistant Register Clerks, who shall receive a salary of one hundred and fifty (\$150) dollars per month each. For the District Court of the Fifteenth Judicial District, in and for said city and county, one Register Clerk, who shall receive a salary of one hundred and seventy-five (\$175) dollars per month; one Court Room Clerk, who shall receive a salary of one hundred and seventy-five (\$175) dollars per month, and two Assistant Register Clerks, who shall receive a salary of one hundred and fifty (\$150) dollars per month each. For Probate Court, in and for said city and county, one Court Room Clerk, who shall receive a salary of one hundred and seventy-five (\$175) dollars per month; one Register Clerk and two Record Clerks, who shall receive a salary of one hundred and fifty (\$150) dollars per month each. For County Court, in and for said city and county, one Court Room Clerk, who shall receive a salary of one hundred and seventy-five (\$175) dollars per month; one Register Clerk and one Assistant Register Clerk, who shall receive a salary of one hundred and fifty (\$150) dollars per month each. For Municipal Court, in and for said city and county, one Court Room Clerk, who shall receive a salary of one hundred and seventy-five dollars per

month; one Register Clerk, who shall receive a salary of one hundred and fifty dollars (\$150) per month; *provided*, that the Deputies appointed by virtue of this Act shall be in lieu of all those heretofore authorized to be appointed by said County Clerk, and all Acts or parts of Acts conflicting with this Act, or providing for the appointment of other Deputies not named in this Act, are hereby repealed. Other Deputies.

SEC. 2. The salaries provided for in section one of this Act shall be audited and paid in the same manner as the salaries of Deputy Clerks in said City and County of San Francisco have been audited and paid heretofore. Salaries.

SEC. 3. The County Clerk of said city and county is hereby authorized to employ as many Copyists (not to exceed three in number) as may be necessary to perform the duties of his office, who shall severally be paid such reasonable compensation as their services may be worth, not to exceed six cents a folio of one hundred words, for the matter copied or recorded by them respectively; *provided*, the amount paid to such copyists in any one month shall not exceed three hundred (\$300) dollars. Copyists.

SEC. 4. The County Clerk shall certify monthly, on the demands of said Copyists, the number of folios copied by each one of said Copyists, and such certificate of said Clerk shall be conclusive and sufficient evidence to authorize and require the Auditor of said city and county to audit severally the accounts of said Copyists, monthly, and the payment of such demands by the County Treasurer, out of the Special Fee Fund, as is provided for the payment of other officers of said city and county. Payment of Copyists.

SEC. 5. The following Acts and parts of Acts are hereby repealed: an Act entitled "An Act concerning the office of the County Clerk of the City and County of San Francisco," approved May fifteenth, eighteen hundred and sixty-two; an Act entitled "An Act concerning the office of County Clerk of the City and County of San Francisco," approved March second, eighteen hundred and sixty-four; an Act entitled "An Act concerning the office of County Clerk of the City and County of San Francisco," approved February twentieth, eighteen hundred and sixty-eight; an Act entitled "An Act concerning the office of County Clerk of the City and County of San Francisco," approved March thirty-first, eighteen hundred and seventy. Certain Acts repealed.

SEC. 6. This Act shall take effect immediately.

CHAPTER LXXVII.

An Act to amend an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four.

[Approved February 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is amended so as to read as follows:

The
boundaries
of Santa
Barbara.

Section 2. The boundaries of said town shall be as follows: Commencing at the northwesterly corner of block number one of town blocks of Santa Barbara, as surveyed by Salisbury Haley in the year eighteen hundred and fifty-one, and retraced and established by J. L. Barker, Town Surveyor, in the year eighteen hundred and seventy-one; thence running eastwardly to the northwesterly corner of block number two hundred and thirty-seven; thence southeastwardly along Canada street to the southwesterly corner of block number three hundred and eighty-seven; thence northeastwardly to the northwesterly corner of said block; thence southeastwardly on Salina street to the ocean; thence westerly along the shore to a point directly opposite the southwesterly line of Robbins street; thence northwestwardly, following the direction of the southwesterly line of Robbins street, to Mission street; thence northeastwardly on the line of Mission street to the point of beginning.

SEC. 2. Section eight of said Act is amended to read as follows:

Trustees to
levy taxes
and open
streets.

Section 8. The Trustees of said town shall have power to levy taxes annually for municipal purposes, not exceeding fifty cents on each hundred dollars of the valuation of the property within the above named limits; and also, to open such streets as may be necessary within its municipal limits, and for such purpose to appraise the damages and assess the benefits of such improvements on all owners of lands and tenements affected thereby; and also, to grade and improve the streets within the limits aforesaid, and for the purpose of such grading and improvement to assess the necessary sums on the property benefited thereby.

Approving
prior acts of
Board of
Trustees.

SEC. 3. All Acts and proceedings of the Board of Trustees of the said town since the first day of January, eighteen hundred and seventy, are hereby approved and confirmed.

Repealed.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from the date of its passage.

CHAPTER LXXVIII.

An Act to appropriate money for the erection of a monument to ex-Governor John Bigler.

[Approved February 7, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one thousand dollars is hereby appropriated, out of the General Fund in the State Treasury, for the purpose of erecting a monument to the memory of John Bigler, formerly Governor of this State; said sum to be expended under the direction of the Governor of the State.

Appropriation for erecting monument.

SEC. 2. Whenever the Board of State Examiners are satisfied that the sum of one thousand dollars has been expended in the erection of a monument, as before mentioned, it shall be their duty to approve the bills for the same. When the bills are approved by the Examiners, the Controller shall draw his warrant for the same upon the State Treasurer, and the said Treasurer shall pay the amount of said warrant, not exceeding one thousand dollars.

Board of Examiners to approve bills.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXIX.

An Act for the relief of James F. Burns.

[Approved February 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of four thousand seven hundred and thirty-four and eighty-two hundredths dollars is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to reimburse James Franklin Burns for the sums by him expended in the pursuit of parties indicted in Los Angeles County for the murder of Oscar H. and Henry Bilderbeck; and the Controller of State is hereby authorized to draw his warrant on the State Treasurer for said sum, in favor of said Burns.

Appropriation for relief of James F. Burns.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXX.

An Act to provide for indexing the names of persons who have declared their intention to become or who have become citizens of the United States, in the several Courts of record in this State.

[Approved February 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duty of
Clerks of
Courts of
record.

SECTION 1. It shall be the duty of the Clerks of the several Courts of record in this State to provide two books, in the one of which shall be entered in alphabetical order, the names of all persons who, from the organization of said Courts, have declared or who may hereafter declare their intention to become citizens of the United States, together with the date of such declaration; and in the other of which shall be entered in alphabetical order, the names of all persons who have been or who may be hereafter admitted citizens of the United States by any Courts of which they are Clerks, and they shall also enter in separate columns opposite each name, the country of which he was, before a citizen or subject, the date of his admission, and the page of the book of the record of the Court containing the order admitting him as such citizen.

Clerks' fees

SEC. 2. The said Clerks shall be entitled to receive for their own use and benefit, a fee of twenty cents for each name indexed as provided in section one of this Act, and said fees, together with the costs of said books, shall become a county charge, and shall be allowed by the Board of Supervisors of the several counties, and paid out of the same Fund that other services rendered by said Clerks to their respective counties are paid; *provided*, that no compensation shall be allowed any Clerk under the provisions of this Act for indexing any names contained in any such records which have been heretofore indexed, but such records and indices shall stand in lieu of those provided for in this Act; and *provided* further, that no Clerk shall be entitled to charge or receive any fee for indexing the name of any person who may declare his intention to become or who may become a citizen of the United States after the passage of this Act.

No compensation
when
names are
already
indexed.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXXI.

An Act concerning the attendance of physicians and surgeons in certain cases, and to provide payment for making chemical and post-mortem examinations.

[Approved February 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Coroner or other officer holding an inquest upon the body of a deceased person may summon a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach, or the tissues of the body of the deceased, and to give a professional opinion as to the cause of the death. Coroner may summon a physician, surgeon, or chemist.

SEC. 2. Any physician, surgeon, or chemist professionally attending as a witness on an inquest, or upon a trial of any person charged with murder or manslaughter, or in cases *de lunatico inquirendo*, as above provided, shall be allowed a reasonable compensation for such attendance or examination by the Board of Supervisors, upon the written certificate of the Court or officer requiring such services, as to the extent and supposed value of the same; *provided*, that such certificate shall not be conclusive as to the amount of compensation. Compensation to be allowed physician, surgeon, or chemist.

CHAPTER LXXXII.

An Act to provide for the transfer of the moneys and other assets in the permanent School Fund of Siskiyou County to the general School Fund of said county.

[Approved February 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Auditor of Siskiyou County must draw his warrant forthwith for the moneys and other assets in the permanent School Fund of said county in favor of the general School Fund of the same, and deliver said warrant to the Treasurer of the county, who must thereupon transfer the moneys and other assets in the permanent School Fund to the general School Fund. Duty of Auditor and Treasurer.

SEC. 2. This Act must take effect immediately.

CHAPTER LXXXIII.

An Act to amend an Act entitled "An Act to regulate proceedings in criminal cases," passed May first, eighteen hundred and fifty-one.

[Approved February 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five hundred and fifty-six of said Act is hereby amended so as to read as follows:

Payment to
witnesses.

SECTION 556. When a person shall attend before a magistrate, Grand Jury, or Court as a witness on behalf of the people, upon a subpoena or by virtue of a recognizance, and it shall appear by affidavit or other sufficient showing that he is poor, the Court, if the attendance of the witness be upon a trial, by an order upon its minutes, or in any other case the County Judge, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses.

CHAPTER LXXXIV.

An Act to provide for the payment of deficiency in the State Insane Asylum appropriation for the twenty-third fiscal year ending June thirtieth, eighteen hundred and seventy-two.

[Approved February 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation for
Insane
Asylum.

SECTION 1. The sum of seventy thousand dollars is hereby appropriated, payable out of the General Fund of the State Treasury, to pay the deficiency in the amount required for the support of the Insane Asylum of the State during the fiscal year ending June thirtieth, eighteen hundred and seventy-two.

Board of
Examiners
to audit
and allow.

SEC. 2. The State Board of Examiners shall audit and allow a claim in favor of the Board of Directors of the State Insane Asylum for the amount hereby appropriated, and the Controller shall thereupon draw his warrant payable out of the General Fund.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXXV.

An Act supplemental to and amendatory of an Act entitled an Act to authorize the construction of a swing or drawbridge across the San Antonio Creek, in the County of Alameda, approved April fourth, eighteen hundred and seventy.

[Approved February 12, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the time of the tax levy for the fiscal year eighteen hundred and seventy-two and three, and at the same time each year thereafter, the Board of Supervisors of the County of Alameda shall levy a tax of seventy-five cents on each one hundred dollars of the taxable property in Alameda Township for the purpose of paying the portion of the cost of construction of the bridge across the San Antonio Creek and the roadway in said Alameda Township connecting with said bridge, which is due and payable by said township, together with interest thereon at the rate of ten per cent per annum; *provided*, that said tax shall be levied only so long as may be necessary to pay the debt due by said Township of Alameda for said bridge and roadway and the interest thereon as above provided. The said tax shall be collected in the same manner and by the same officer as other county taxes. Tax to be levied in Alameda Township.

SEC. 2. The said Board of Supervisors shall immediately proceed to ascertain the amount of said tax which is now due and payable, and they shall estimate as near as may be the amount of money which will be collected annually under the provisions of section one of this supplemental Act, and they shall apportion the said sum now due and payable, in such annual payments, with interest added at the rate of ten per cent per annum, payable annually, as shall be equal to such tax annually to be collected, as near as may be, and they shall issue the bonds of the county therefor, payable to the Treasurer of Commissioners appointed under the Act to which this Act is supplemental or to the bearer thereof, in gold coin of the United States, and in amount said bonds shall correspond to such apportionment. Said bonds shall be signed by the President of said Board of Supervisors and countersigned by the County Clerk of said county, and they shall be paid out of the money collected under the provisions of this Act and the Act to which this is supplemental. Said bonds shall by the Treasurer of said Commissioners be delivered to the contractors or their assigns, who have constructed said bridge and roadway. Tax to be estimated.

Apportionment.

Bonds, how signed.

SEC. 3. Said tax shall not be collected from any property in said township on which the bridge and roadway tax for the years eighteen hundred and seventy-one and two shall have been paid. Tax not to be collected.

SEC. 4. The provisions of section four of the Act to which this is supplemental are hereby repealed so far as they relate Repealed.

to the levy and collection of any tax in the Township of Alameda.

SEC. 5. This Act shall take effect immediately.

CHAPTER LXXXVI.

An Act amendatory of and supplementary to an Act entitled an Act to prescribe the jurisdiction of the Police Judge's Court of the City and County of San Francisco, passed January twenty-seventh, eighteen hundred and sixty-four.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of an Act entitled "An Act to prescribe the jurisdiction of the Police Judge's Court of the City and County of San Francisco," approved January twenty-seventh, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

Jurisdiction. Section 2. The said Court shall have jurisdiction of the following public offenses committed in the said city and county:

Petit larceny. *First*—Petit larceny; receiving stolen property, when the amount involved does not exceed fifty dollars.

Assault and battery. *Second*—Assault and battery, not charged to have been committed upon a public officer in the discharge of his duties, or with intent to kill.

Breaches of the peace. *Third*—Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Equal powers with Justices. *Fourth*—Said Court or Judge shall have jurisdiction of proceedings for security to keep the peace; and also, throughout said city and county, the same powers and jurisdiction in other criminal actions, cases, and proceedings as are now or hereafter may be conferred by law upon Justices of the Peace or Justices' Courts.

Justices of the Peace. The Justices of the Peace within the limits of the City and County of San Francisco shall not have power to try and decide any cases of the classes mentioned in this section.

Judge may punish contempts. SEC. 2. The said Judge may punish contempts in the same manner and to the same extent as District Judges; and the laws concerning contempts applicable to District Courts and Judges shall be applicable to said Police Court and Judge.

Repealed. SEC. 3. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 4. This Act shall take effect immediately.

CHAPTER LXXXVII.

An Act amendatory of an Act entitled "An Act to regulate the settlement of the estates of deceased persons," passed May twentieth, eighteen hundred and sixty-one.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two hundred and eighty of said Act is amended so as to read as follows:

Section 280. The final settlement of an estate shall not prevent a subsequent issuance of letters testamentary, with the will annexed, or of subsequent letters of administration, when no will exists, should other property of the estate be discovered, or should it become necessary or proper, from any cause, that letters should be again issued. Discovery of property after final settlement.

SEC. 2. This Act to take effect from and after its passage.

CHAPTER LXXXVIII.

An Act entitled an Act to authorize the Board of Trustees of the City of Sonora to establish a Fire Department Fund, and for other purposes.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Trustees of the City of Sonora are hereby authorized to levy and collect an additional special tax, Trustees to levy tax. not to exceed one per cent, on the taxable property within the limits of the said City of Sonora, for the benefit of the Fire Department of said city; and all moneys collected under the provisions of this Act shall be set apart to be used by the Board of Trustees as a special Fire Fund, for the purpose of purchasing a fire engine for the use of the Fire Department of said city, and for constructing three or more cisterns within the limits of said city; To purchase fire engines. provided, this Act shall not be construed so as to authorize the levying of said tax only for the year one thousand eight hundred and seventy-two.

SEC. 2. The tax authorized to be levied and collected by this Act may be levied and collected at the same time and in the same manner as other taxes for said city are levied and collected for the year one thousand eight hundred and seventy-two. Tax, when levied and collected.

SEC. 3. Said fire engine shall be purchased by the Board of Trustees of said city, and shall be the property of said city, and under the control and supervision of said Board of Trustees; Trustees to purchase engine.

and said Board shall cause the same to be kept in good repair, and to exercise general supervision and control over said engine and cistern; *provided*, that nothing in this section shall be so construed as to interfere with the rights of the Fire Department as heretofore granted them.

Surplus
money",
how kept.

SEC. 4. All surplus moneys, if any, arising from the tax herein authorized to be levied and collected, shall be kept by the Board of Trustees of said city for a special Fire Fund, and subject only to the order of the said Board of Trustees.

Tax not
levied until
after
election.

SEC. 5. The Board of Trustees shall not proceed to levy and collect said tax until after an election shall have been held in said city to determine whether a majority of electors in said city are in favor thereof; and said Board shall give at least two weeks notice of said election by publication in one of the newspapers published in said city; and if a majority of the votes cast at said election are against the levying and collection of said tax the Board of Trustees shall have no power to levy and collect the tax hereinbefore provided for.

Notice of
election.

Repealed.

SEC. 6. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER LXXXIX.

An Act to amend an Act entitled "An Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county," approved January thirty-first, eighteen hundred and seventy.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of said Act is hereby amended so as to read as follows:

Section 7. The Board of Supervisors shall levy annually in the month of March:

State tax.

First—The tax required by law to be levied for State purposes.

Interest
tax.

Second—The taxes required by law to be levied for the payment of interest on county bonds heretofore issued.

Current ex-
pense tax.

Third—A tax for current expenses of not exceeding one dollar and forty-five cents on each one hundred dollars of taxable property; which said tax shall be in lieu of all property taxes now by law authorized to be levied for county purposes and for the payment of the county debt, as authorized by the Act entitled "An Act to provide for the payment of the debt of Santa Cruz County," approved April twenty-fourth, eighteen hundred and fifty-seven.

Fourth—A tax of twenty cents on each hundred dollars of taxable property for the redemption of the warrants now payable out of the "General Fund," "Road Fund," and "Indigent Sick Fund," or which may be issued, payable out of either of the Funds provided for in section two of this Act, for expenses incurred or services rendered prior to the first day of September, A. D. eighteen hundred and seventy. After all these warrants have been paid or exchanged for county bonds, no more tax shall be levied for the redemption of the same, and all moneys then remaining in the County Treasury from the proceeds of said tax shall be transferred to the County Expenses Fund.

Redemption tax.

When tax shall cease.

Fifth—A tax at a sufficient rate to pay the interest on the bonds authorized to be issued by the provisions of this Act, and after the year A. D. eighteen hundred and eighty, to pay annually one tenth part of the principal on said bonds; *provided*, that the whole tax authorized to be levied by the Board of Supervisors in any one year, for all the purposes in this section mentioned, shall not exceed the sum of three dollars and fifty cents on each hundred dollars of taxable property.

Tax for interest and principal of bonds.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER XC.

An Act authorizing a telegraph between Los Angeles and Wilmington, in Los Angeles County.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Los Angeles and San Pedro Railroad Company is hereby authorized to maintain and use its telegraph between the termini of said railroad for public use, communications, and messages, in the same manner, with the same privileges, and under the same restrictions as though such telegraph had been erected by a corporation formed solely for telegraphic purposes; and all the general laws of this State respecting telegraphs and the transmission of telegraphic process and other communications now in force, or as such laws may be hereafter amended or enacted, shall be applicable to said line of telegraph so far as use thereof by the public is concerned.

Los Angeles and San Pedro Railroad Company.

SEC. 2. This Act shall take effect immediately.

CHAPTER XCI.

An Act making appropriation for the payment of William Sharp's bill of carpets, mattings, etc., for the new Capitol.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation for William Sharp.

SECTION 1. The sum of five thousand nine hundred and forty-eight dollars and sixty-eight cents is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the purpose of paying the bill of William Sharp for carpets, matting, etc., furnished for the new Capitol prior to the meeting of the Legislature, and the Controller of State is hereby authorized and required to draw his warrant for the same when the claim presented shall have been audited and allowed by the Board of Examiners.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER XCII.

An Act to provide for the payment of the claim of Isidor Wormser against the State of California.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation for Isidor Wormser.

SECTION 1. The sum of three hundred dollars is hereby appropriated, out of any money in the General Fund of the State Treasury not otherwise appropriated, for the payment of the claim of Isidor Wormser against the State; and the Controller of State is hereby authorized to draw his warrant in favor of said Wormser for that amount, and the State Treasurer to pay the same.

Surrender of warrants to Board of Examiners.

SEC. 2. Before auditing the claim mentioned in the first section of this Act, the State Board of Examiners shall require the claimant to surrender to it the following described Controller's warrants, to wit: warrants numbered seven hundred and eighty-two, seven hundred and eighty-three, and seven hundred and eighty-five, respectively, for the sum of one hundred dollars each, drawn in favor of George W. Whitman, December first, one thousand eight hundred and fifty-six, on the State Capitol Fund.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER XCIII.

An Act to provide Road Funds for the Counties of Santa Barbara and San Luis Obispo.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of each of the Counties of Santa Barbara and San Luis Obispo are hereby authorized and empowered to issue, as soon as practicable, bonds to such an amount as they may deem sufficient, not to exceed in the aggregate the sum of fifteen thousand dollars, bearing interest at the rate of ten per cent per annum, and in sums of not less than one hundred or more than five hundred dollars each. Each of said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the Auditor and Treasurer of the County. Supervisors to issue bonds.

SEC. 2. The said bonds shall be due and payable in gold coin of the United States, at the office of the Treasurer of the County, ten years after the date of their issuance; *provided, that* the said Board shall have the power to redeem said bonds in the manner and at the times hereinafter provided. The interest on said bonds shall be due and payable in like gold coin on the first day of February and August of each year, at the office of the County Treasurer of the County. Bonds, when due and payable.
Interest on bonds due and payable.

SEC. 3. Coupons for the interest shall be attached to each bond, and shall be signed in the same manner as the bonds are required to be signed. Said coupons shall be for the semi-annual interest on the bond to which they are attached, such coupon bearing the number of its bond, the date when it will be due, and the amount to be paid. When any interest shall be paid upon a bond issued under the provisions of this Act, the coupon for the interest so paid shall be detached and delivered to the County Treasurer, who shall cancel the same and deliver it to the County Auditor, to be filed in his office, taking his receipt therefor. Coupons, when payable.

SEC. 4. Said bonds shall bear the date of their issuance, and the first coupon shall be for the interest from such date up to the first day of February or August next succeeding. Bonds to bear date.

SEC. 5. For the purpose of paying the interest on the said bonds the Board of Supervisors shall, at the time of levying the county taxes each year, levy a special tax on all the real and personal property in the county which shall in their judgment be sufficient to pay the interest on all bonds then outstanding as the same may fall due. The said tax shall be levied, assessed, and collected as other county taxes, and shall be by the Treasurer set apart as a special Fund, to be known as the Road Bond Interest Fund, and it shall be the duty of the Treasurer to pay out of said Fund the said coupons as they may fall due. Interest tax.

Deficiency
of tax pro-
vided for.

SEC. 6. If the special tax authorized by section five shall not at any time produce a sufficient amount to pay all the interest due in any one year, it shall be the duty of the Treasurer of the County to transfer from the General Fund of the county such amount as may be necessary to make up the deficiency.

Tax for
principal
of bonds.

SEC. 7. In and for the year eighteen hundred and seventy-three, and annually thereafter until the whole of said bonds be redeemed, the Board of Supervisors shall levy and cause to be collected a tax sufficient to pay ten per cent of the whole issue of said bonds. All taxes levied and collected under the provisions of this section shall be collected as other county taxes and paid into the County Treasury, and shall be by the Treasurer set apart as a special Fund to be known as the Road Bond Redemption Fund.

Redemp-
tion.

SEC. 8. Whenever there shall be five hundred dollars or over in said Redemption Fund the Treasurer shall cause notice to be published once a week for four successive weeks, in some newspaper published in said county, or if no newspaper be published in said county, then in some newspaper printed in an adjoining county, that he is prepared to receive bonds to a certain amount, specifying the amount; and on the day named in the notice the Treasurer shall, in the presence of the County Auditor, publicly open all the proposals for the surrender of bonds, and shall proceed to redeem such bonds as may be offered at the lowest figure; *provided*, that no bid above par value shall be accepted; and *provided* further, that the bonds shall always accompany the bid. If no bid shall be put in at par or less than par value, or if a sufficient amount shall not be offered to absorb all the money in the said Redemption Fund, then the bonds shall become due and payable in the numerical order in which they were issued. And the Treasurer shall give notice in the manner above provided, that certain bonds, describing them, are due and payable, and the interest thereon shall cease from and after the date of said notice.

Bonds,
how sold.

SEC. 9. The Board of Supervisors may sell any or all of said bonds at such time or times as they shall deem proper, after having published a notice for thirty days in one newspaper published in said county, and one at the City and County of San Francisco, inviting proposals for the purchase of the same. Upon a day to be named in said notices the Board shall meet to consider said proposals, and they shall deliver said bonds, with the coupons attached, to the person or persons bidding the highest price therefor in gold coin of the United States; *provided*, that the said Board of Supervisors shall have the power to reject any and all bids; and *provided* further, that said bonds shall not be sold for less than eighty cents on the dollar.

Without
notice.

SEC. 10. The Board of Supervisors may sell said bonds for not less than ninety-five cents on the dollar, par value, without the notice provided for in the preceding section.

Road Fund

SEC. 11. All moneys derived from the sale of said bonds shall be credited to the Road Fund of the county, and shall be expended in the manner provided by any general or special road law which is or may be in force in said county.

SEC. 12. The Auditor and Treasurer shall each keep an accurate account of all moneys received and disbursed under the provisions of this Act.

SEC. 13. This Act shall apply to and be in force only in the Counties of Santa Barbara and San Luis Obispo.

SEC. 14. This Act shall take effect and be in force from and after its passage.

CHAPTER XCIV.

An Act to empower the Probate Court of the County of Santa Clara to rectify an alleged error in the matter of the estate of James Donahue.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Probate Court of the County of Santa Clara, or the Judge thereof, at chambers, is hereby empowered, upon the application of any legatee or legatees, or his or their duly authorized agent, under the will of the late James Donahue, deceased, and upon notice to the guardian of the minor children, who are residuary legatees of said Donahue, of not less than five days, to examine any claims for legacies under said will; and if such legacies are found to be unpaid, in whole or in part, said Court or the Judge thereof, at chambers, is empowered to authorize and allow the payment thereof with legal interest thereon from the time the same should have been paid up to the date of actual payment thereof, to such legatee or legatees, or his or their duly authorized agent, from time to time, by the said guardian, of any legacies so found to be unpaid and unprovided for, and which, under the provisions of said will, are in the opinion of the Judge of said Court entitled to payment.

Legacies
under will
of James
Donahue.

SEC. 2. It shall be the duty of the guardian or guardians of said minor children to pay the amount of legacies authorized and allowed by said Probate Court or the Judge thereof, at chambers, and for that purpose said Probate Court or the Judge thereof, at chambers, may by process of contempt and otherwise, enforce compliance with any orders made under or by virtue hereof.

Payment.

SEC. 3. All sums of money allowed and authorized to be paid as herein provided by said Probate Court or the Judge thereof, at chambers, shall constitute just claims and charges against the estate of said minors respectively, and all payments made by the said guardian under the provisions of this Act and the orders of said Court or the Judge thereof, at chambers, made in pursuance of the power herein conferred, shall be charged by him against the estate of his wards, and upon proof

Claims
against
estate.

of payment shall be allowed as other valid charges against said estate.

SEC. 4. This Act shall take effect immediately.

CHAPTER XCV.

An Act to encourage the destruction of squirrels, gophers, and other wild animals in the Counties of Los Angeles, Napa, Merced, San Bernardino, and Santa Cruz.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax. SECTION 1. The Boards of Supervisors of the Counties of Los Angeles, Napa, Merced, San Bernardino, and Santa Cruz must, at the time of levying taxes for State and county purposes in each year, levy a special tax of one fifteenth ($\frac{1}{15}$) of one per cent upon each one hundred dollars (\$100) of the taxable property of such counties.

Special Fund. SEC. 2. The proceeds of the tax so levied must, when collected and paid into the County Treasuries aforesaid, be set aside as a special Fund for the payment of the bounties hereinafter provided for.

Bounties. SEC. 3. Every person who, in the counties aforesaid, kills or destroys any of the wild animals hereinafter mentioned, shall receive bounties as follows: for each wolf, one dollar; for each wild cat, one dollar; for each coyote, one dollar; for each squirrel, five cents; for each gopher, eight cents.

Proofs. SEC. 4. The scalps of the animals destroyed may be presented to any Justice of the Peace in either of the counties named, who must, upon proof by affidavit that the animals were destroyed in the county, count and destroy the scalps, and give to the party presenting such scalps a certificate of the kind and number thereof.

Payments. SEC. 5. Upon presentation of such certificate, the Board of Supervisors must audit and allow the amount due thereon, and the amount so audited and allowed must be paid out of the Fund hereinafter provided for.

SEC. 6. This Act shall be in force from and after its passage.

CHAPTER XCVI.

An Act to legalize, ratify, and confirm certain acts of the Mayor and Common Council of the City of Los Angeles.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The ordinance passed and approved by the Mayor and Common Council of the City of Los Angeles on the eleventh day of November, A. D. eighteen hundred and seventy, ordering a deed of conveyance to issue to T. A. Sanchez, for the ten acre tract of land formerly dedicated by the City of Los Angeles for a public cemetery, in lieu of grants of land made by the Mayor and Common Council of said city upon private property of said T. A. Sanchez, and the deed of conveyance made in pursuance of said ordinance, are hereby legalized, ratified, and confirmed, and shall be deemed, held, and taken to convey a valid title in and to the premises in said conveyance specified to the person therein mentioned as grantee, and to his heirs and assigns, to the extent of the interest purporting, or attempted to be conveyed or granted, as fully and effectually as though such deed of conveyance or grant had been made in strict accordance with a decree or statute passed and enacted by the proper and appropriate legislative authorities directing and authorizing the same.

Confirmation of deed to T. A. Sanchez.

SEC. 2. That the ordinance referred to in section one, and the deed ordered to be executed, and executed in pursuance thereof, be and the same are hereby ratified and approved and legalized in all their provisions.

Ordinance ratified.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER XCVII.

An Act to amend an Act entitled an Act to regulate fees in the City and County of San Francisco, approved February ninth, one thousand eight hundred and sixty-six.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended to read as follows:

Section 5. The Justices of the Peace, severally, shall be allowed in any action before them, for all services of every kind whatsoever required to be performed by them, before the entry of judgment in such action, two dollars, and for the entry of

Justices' fees.

judgment and all proceedings subsequent thereto, including all affidavits, swearing witnesses, and jury therein, three dollars; and under no pretext whatever shall said Justices, in any one action, be authorized or legally entitled to ask, demand, or receive any other or further fee or charge, except for copies of papers on appeal, as hereinafter provided.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER XCVIII.

An Act to Amend an Act entitled "An Act to regulate the settlement of the estates of deceased persons," passed May first, eighteen hundred and fifty-one.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fifty-sixth section of an Act entitled "An Act to regulate the settlement of the estates of deceased persons," passed May first, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

Married
women.

Section 56. When any unmarried woman who shall have been appointed administratrix shall marry, her marriage shall extinguish her authority as such administratrix. Administration shall not be granted to a married woman.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER XCIX.

An Act to regulate proceedings in civil cases in the Justices' Court of the City and County of San Francisco.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Justices'
summons.

SECTION 1. The time in which the summons shall require the defendant to appear and answer the complaint shall be as follows: when the action is brought in the City and County of San Francisco, within three days after the service thereof.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER C.

An Act to provide for the appointment of a Notary Public to reside at Cloverdale, Sonoma County.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sonoma County is hereby declared to be and is entitled to ten Notaries Public.

SEC. 2. The Governor of the State is authorized to appoint a Notary Public, in addition to those now in commission, who shall reside and keep his office in the Town of Cloverdale, in Sonoma County. Notary for Sonoma.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CI.

An Act to fix the terms of the several Courts of Record in the County of San Mateo.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms of the District Court of the Twelfth Judicial District, in and for the County of San Mateo, shall commence on the second Monday in February, and the fourth Mondays in May, August, and November, in each year, and may be continued from day to day, and adjourned from time to time, as the business of the Court shall require. Nothing in this section, however, shall be construed as ending a term of said Twelfth District Court, in and for the City and County of San Francisco, by reason of the commencement or holding of a regular or adjourned term in the County of San Mateo; but whenever the Court is about to open in San Mateo County the Court in San Francisco may be adjourned over, and at the close of the session in San Mateo County the business of the term in San Francisco may be resumed. Terms of Twelfth District Court.

SEC. 2. Terms of the County Court and of the Probate Court, in the County of San Mateo, shall commence and be holden on the second Mondays in March, June, September, and December in each year, and the terms of each or either of said Courts may be continued from day to day, or adjourned from time to time, as the business of the Court may require. Terms of County and Probate Courts, San Mateo.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CII.

An Act to prevent the destruction of forests by fire on public lands.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Penalty
for firing
forests.

SECTION 1. Any person or persons who shall willfully and deliberately set fire to any wooded country or forest belonging to this State or the United States, within this State, or to any place from which fire shall be communicated to any such wooded country or forest, or who shall accidentally set fire to any such wooded country or forest, or to any place from which fire shall be communicated to any such wooded country or forest, and shall not extinguish the same, or use every effort to that end, or who shall build any fire, for lawful purpose or otherwise, in or near any such wooded country or forest, and through carelessness or neglect shall permit said fire to extend to and burn through such wooded country or forest, shall be deemed guilty of a misdemeanor, and on conviction before a Court of competent jurisdiction shall be punishable by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or by both such fine and imprisonment; *provided*, that nothing herein contained shall apply to any person who in good faith shall set a back fire to prevent the extension of a fire already burning. All fines collected under this Act shall be paid into the County Treasury for the benefit of the Common School Fund of the county in which they are collected.

CHAPTER CIII.

An Act to repeal an Act entitled "An Act to create a Board of Levee and Street Commissioners in and for the Town of Pacheco, Contra Costa County, and define their powers and duties, approved March twenty-ninth, eighteen hundred and seventy.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Act
repealed.

SECTION 1. An Act entitled an Act to create a Board of Levee and Street Commissioners in and for the Town of Pacheco, Contra Costa County, and define their powers and duties, approved March twenty-ninth, eighteen hundred and seventy, is hereby repealed.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CIV.

An Act to facilitate telegraphic communication between America and Asia.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Cyrus W. Field, Peter Cooper, Moses Taylor, Marshall O. Roberts, Wilson G. Hunt, Samuel F. B. Morse, Dudley Field, William H. Webb, all of the State of New York, and Darius Ogden Mills, of the State of California, and all other persons who shall or may be associated with them and their successors, are hereby authorized and empowered to lay, construct, land, maintain, and operate one or more telegraphic or magnetic lines or cables in and over the waters, reefs, islands, shores, and lands over which the State of California has jurisdiction, from the shores of the State of California to Japan and the Empire of China, either direct or by way of the Hawaiian Islands, or other island or islands of the Pacific Ocean, by the most practicable and eligible route. And the said parties above mentioned, and all other persons who shall or may be associated with them and their successors, are hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this Act as herein set forth, and, among others, the right of way through and over the waters and lands over which the State of California has jurisdiction.

Franchise
granted for
telegraph
to Asia.

SEC. 2. This Act shall take effect immediately.

CHAPTER CV.

An Act to amend an Act entitled an Act to provide for the official valuation of life insurance policies, approved April fourth, one thousand eight hundred and seventy.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. Every life insurance company organized under the laws of this State shall, on or before the first Monday in January of each year, furnish the Insurance Commissioner the data necessary for determining the valuation of all its policies

Valuation
of policies.

outstanding on the thirty-first day of December next preceeding, which said valuation shall be based upon the rate of mortality as established by the American Experience Tables of Mortality.

Interest. The rate of interest to be assumed shall be at the option of the company; *provided*, that the same shall not be less than four and one half per cent per annum nor more than six per cent per annum; and *provided* further, that the right or privilege of such option shall be contingent upon the fact that all the assets invested of such company are invested within this State or in bonds of the United States. If any investment of the assets of any company is in bonds of any other State, or in property without this State, the valuation shall then and in such case be based on the above mentioned tables of mortality, and the rate of interest to be assumed shall be four and one half per cent per annum. For the purpose of making the valuation aforesaid,

Actuary. the Insurance Commissioner of this State is authorized to employ a competent Actuary, whose compensation for such valuation shall be three cents for each thousand dollars of insurance, to be paid by the respective companies for which the valuation is made.

Sec. 2. Section two of said Act is hereby amended so as to read as follows:

**Insurance
Commissioner.**

Section 2. When the certificate of the Insurance Commissioner of this State of the official valuation of the policies, as provided in section one of this Act, issued to any company organized under the laws of this State, shall not be accepted by any other State in lieu of a valuation of the same by the insurance officer of such other State, then all companies organized under the laws of such other State doing business in this State shall be required to have a separate valuation made, under the authority of the Insurance Commissioner of this State, to be based upon the rate of mortality as established by the American Experience Tables of Mortality, and the rate of interest to be assumed shall be four and one half per cent per annum.

Sec. 3. This Act shall take effect immediately.

CHAPTER CVI.

An Act to authorize the Board of Supervisors of Colusa County to levy a special tax.

[Approved February 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Tax for
special
fund.**

SECTION 1. The Board of Supervisors of Colusa County are hereby authorized and required to levy a special tax of one tenth of one per cent on the taxable property in said county in addition to other taxes authorized by law, for the purpose of

creating a special Fund, to be hereafter known as the County Judge's and District Attorney's Salary Fund of Colusa County.

SEC. 2. Said tax shall be levied at the annual meetings of the said Board of Supervisors at which State and county taxes are authorized to be levied, and shall be collected in the same manner as other county taxes, and the money arising therefrom shall be placed in the Fund created by this Act, and shall be devoted exclusively to the payment of the salary of the County Judge and the salary of the District Attorney of said county; *provided*, that if at the end of each calendar year a surplus thereof shall remain in said special Fund, after the payment of the salaries of the County Judge and District Attorney, such surplus shall be placed in the General Fund of said county. Levy and collection.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CVII.

An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Los Angeles and in the County of San Diego, and parts of Monterey County.

[Approved February 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every owner or occupant of land, whether it is inclosed with a fence or is uninclosed, finding any horse, mare, jack, mule, jennet, goat, sheep, hog, or horned cattle thereon, doing or having done damage, may take up and keep such animal or animals at the expense of the owner for the space of ten days. Impounding of animals.

SEC. 2. The expense of keeping an animal so taken up must be computed as follows: First—If a horse, mare, jack, mule, or jennet, at the rate of twenty cents per day. Second—If a sheep or goat, at the rate of five cents per day, and if a hog, ten cents per day. Third—Cattle at the rate of twenty cents per day. Expense of keeping.

SEC. 3. If the owner of an animal so taken up is known and resides in the township, they must be forthwith personally notified; but if at a great distance from said place of taking up, the notice of such detention and the reason therefor must be served by depositing the same, postage paid, in the nearest Post Office, directed to the owner or owners at the Post Office nearest to his or their residence. When the owner or owners are not known, written notices containing a description of the animals, their marks and brands, and stating the cause of detention, must immediately be posted conspicuously in three of the most conspicuous public places in the township, and a copy delivered to the Justice of the Peace of said township. Notification to owners.

Complaint. SEC. 4. At the expiration of ten days, if the animal has not been applied for, and sooner if it has and the parties cannot agree on the amount of damages and compensation, by three disinterested persons, selected by the parties aforesaid as arbitrators are selected, the taker up, when the damages, and compensation claimed shall be less than three hundred dollars, shall file a written complaint, verified by his oath, with a Justice of the Peace of the township, setting forth the facts, location, and nature of the alleged damages, and stating the amount he claims against said animal or animals, and that he has actually sustained the damages claimed.

SEC. 5. When the owner is known and is within the jurisdiction of the Court the action shall be against the owner, and the summons shall be served and returned as in other actions. When the owner is not known the action shall be against the property, and every action thus commenced shall include all the animals thus found doing damage, whether of one or more marks or brands, and no judgment shall be entered up under the provisions of this Act, by default or otherwise, as to the damage done, except upon the testimony of two creditable witnesses, whose names shall be entered in the Justice's docket.

Service of summons.

SEC. 6. When the action is against the property the summons shall be served by posting a copy of the same conspicuously on the outside of the door of the Justice's office and three other public places in the township, and shall be returnable in not less than ten days from such posting. The return of the officer certifying to such posting, or the affidavit of any person qualified to be a juror who did it, shall be evidence of a sufficient service thereof.

Judgment.

SEC. 7. If judgment be in favor of the plaintiff, the property may be levied upon and sold as other personal property seized on execution; if the judgment be for the defendant, the plaintiff shall pay such costs and damages as may be awarded by the Court or jury.

Proceeds of sale.

SEC. 8. The officer selling shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid therefor, and stating that it or they were sold by authority of this Act. Any overplus of the proceeds of such sale, after satisfying the judgment, shall be paid by the Justice to the owner of the property, upon demand, if demanded within three months from the date of sale; otherwise it shall, at the expiration of that time, be immediately paid into the County Treasury for the benefit of the County School Fund.

Owners of animal.

SEC. 9. Any owner or owners of any animal or animals seized under the provisions of this Act may, at any time previous to the sale, demand and shall be entitled to the possession of such animal or animals, or of so many as he may claim, upon his making satisfactory proof of ownership and paying his proportion of the fees, charges, or damages; and after the sale, may at any time within three months redeem said animal or animals, by producing satisfactory proof of his right thereto, and paying the purchaser the amount of the purchase money, with interest at the rate of three per cent per month, together with compensation for the keeping of said animals, at the rate

of one dollar per week per head, for the time the purchaser has had them in possession.

SEC. 10. The Justice of the Peace before whom any action is brought under the provisions of this Act, shall keep a book, which shall be open to public inspection, and shall make a record therein of all sales made by his order under this Act, a description of the animal sold, the price paid, the name of the purchaser, amount of fees and charges, and the amount of surplus money, if any, arising from each sale; and if such surplus money shall be received by the owner of any animal, he shall receipt for it on the margin opposite such record, and the Justice shall, without fee, give the book over to his successor in office, and also any surplus money in his hands arising from any sale made by authority of this Act; and the receipt of his successor shall be a legal discharge of the retiring Justice for all such sums paid. Record of sales.

SEC. 11. The fees of Justices and Constables for services under this Act shall be the same as allowed by the general fee bill for similar services in other civil actions in their respective counties. Fees.

SEC. 12. Nothing in this Act shall be so construed as to prohibit persons from driving stock through uncultivated lands not fenced, and who may be required to pass from one county to another, from watering said stock at natural watering places on said lands. Privileges.

SEC. 13. Any person who shall drive stock from lands other than his own, or to any lands or possessory claims, for the purpose of taking advantage of any provisions of this Act, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished accordingly. Misdemeanor.

SEC. 14. The owner or occupant of lands, whether inclosed or not, upon which damage has been done by any of the animals referred to in section one of this Act, may, instead of pursuing the remedy given in this Act, have an action for damages in any Court of competent jurisdiction against the owner of such animal. Alternate remedy.

SEC. 15. If the owner or occupant of land intends to institute proceedings under the preceding section he must: Requirements.

First—Within ten days after the damage was done, cause the same to be viewed and estimated, in writing, by two residents of the county competent to be witnesses on the trial of such action;

Second—Such action shall be brought within one month after the damage was done.

SEC. 16. This Act applies only to the Counties of Los Angeles and San Diego, and all that portion of Monterey County lying north and east of the Salinas River; *provided*, however, that no damages shall be recovered in the County of San Diego for any alleged trespass upon lands subject to the provisions of this Act, unless it appear that the plaintiff has actually and in good faith entered upon his land, and has been prior to or at the time the action is brought cultivating the same, and has suffered or is likely to suffer injury from the trespass committed. Application of Act.

SEC. 17. This Act shall take effect and be in force from and after its passage, in the Counties of Los Angeles and Monterey, and only from and after the fifteenth day of May, A. D. eighteen hundred and seventy-two, in the County of San Diego.

CHAPTER CVIII.

An Act to amend an Act entitled an Act to define the duties and liabilities of pawnbrokers and pledgees, approved April seventeenth, eighteen hundred and sixty-one.

[Approved February 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact, as follows:

SECTION 1. Section one of said Act shall be amended to read as follows:

Pawn-
broker
must keep
a Register
Book.

Section 1. Every person or firm engaged in the business of a pawnbroker or pledgee, or the purchase or sale of second-hand clothing, wares, or merchandise, shall keep a Register Book, well bound and in size not less than thirteen inches long and eight inches wide, and shall contain, not less than six quires of blank book paper, in which shall be made an entry with ink, in the English language, at the time of loan, pledge, or purchase, a true and accurate account and description of every article of property pledged or purchased; the name and residence of the pledgor or vendor; the date, duration, amount, and rate of interest of every loan made, and the date and hour of purchase of any property purchased; and shall, if any loan be made or property pledged, at the time of the loan or pledge deliver to the pledgor a written or printed memorandum signed by him, her, or them, containing a copy of said entries, and shall in like manner keep an account of all sales made by him, her, or them.

CHAPTER CIX.

An Act to prevent the capture and destruction of mocking birds in this State.

[Approved February 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person or persons who shall willfully and knowingly shoot, wound, trap, snare, or in any other manner

catch or capture any mocking bird in the State of California, or shall knowingly take, injure, or destroy the nest of any mocking bird, or shall take, injure, or destroy any mocking bird's eggs, in the nest or otherwise, in said State, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace of the township in which the offense shall have been committed, shall be fined in a sum not less than five dollars nor exceeding ten dollars, and cost of the action for each offense, or may be imprisoned not less than five days nor more than ten days, or by both such fine and imprisonment, as the judgment of the Court may direct.

Mocking
birds must
enjoy
perfect
immunity.

SEC. 2. All fines collected under the provisions of this Act shall be paid into the County Treasury for the benefit of the Common School Fund.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CX.

An Act to provide a Fund for the erection of county buildings in the County of San Bernardino, and other matters relating thereto.

[Approved February 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of San Bernardino may, in their discretion, for and during each of the years one thousand eight hundred and seventy-two, three, four, and five, levy a special tax of not exceeding fifty cents upon each one hundred dollars value of taxable property of said county. Said tax shall be levied, assessed, and collected in the same manner and in the same kinds of money that other county taxes of said county are levied, assessed, and collected; *provided*, that for the year one thousand eight hundred and seventy-two such tax may be levied by said Board of Supervisors at the first regular meeting after the passage of this Act; and *provided*, that the said Board of Supervisors may, in their discretion, omit to levy said tax for and during one or more of the years herein provided, and may omit to levy said tax altogether, if, in their discretion, they may think best for the interest of said county.

Supervisors
may levy
tax.

May omit
to levy tax.

SEC. 2. All moneys collected under the provisions of this Act shall form and constitute a Fund to be applied exclusively to the payment of the cost and expenses of erecting a suitable Court House, Jail, or necessary county offices, which Fund shall be collected and known as the "Court House Building Fund," and shall not be used for any other or different purpose.

Court
House
Building
Fund.

SEC. 3. At any time after the moneys which may have accumulated in said Fund shall amount to at least one thousand dollars, the Board of Supervisors of said county shall have the power and may proceed to erect a suitable Court House, Jail, or

When may
proceed to
erect
county
building.

necessary county offices, in and for said county, and may employ a competent architect to draught plans and specifications of said buildings, or any of them, and to make estimates of the probable cost and expense of the said buildings, or any of them. Said Board of Supervisors may erect separate buildings for said Court House, Jail, or any county office, as they may deem best, or may erect the one and not the other, as they may deem for the best interests of the said county, and they shall have full power and authority to do and perform all acts and things which may be requisite or necessary to carry out the provisions and objects of this Act; *provided*, that contracts for the erection of said buildings, or any of them, shall be let to the lowest responsible bidder, in the manner provided by law; *provided*, the Supervisors shall have power to reject any or all bids; and *provided*, that the aggregate cost and expense of erecting the said buildings and furnishing them shall not exceed the sum of forty thousand dollars; and *provided* further, that the erection of the said buildings, or any of them, and the furnishing thereof, shall be under the superintendence and control of the said Board of Supervisors, and they shall have power to accept or reject any plan, specifications, or estimates which may be submitted to them.

Plans and
specifi-
cations.

SEC. 4. Said Board of Supervisors shall have power, by an order duly made by them, to advertise for plans and specifications for the said county buildings, or either of them, and to pay out of the said Fund a sum not exceeding two hundred and fifty dollars for the plans and specifications and estimates adopted by the said Board for all of the said buildings, and not to exceed one hundred and seventy-five dollars for the plans and specifications adopted for either of the said buildings.

Location.

SEC. 5. All county buildings herein provided for shall be located at the present county seat of said county.

Surplus
money,
where
transferred

SEC. 6. Any money that may remain in the said "Court House Building Fund," after the payment of all the cost and expenses of erecting and furnishing the county buildings and offices as herein provided for, shall be transferred to and become a part of the County Fund of said County of San Bernardino.

Warrants
drawing
interest.

SEC. 7. The Board of Supervisors shall have power to draw warrants on said Court House Building Fund, drawing interest at the rate of one per cent per month, if at any time said Fund shall become exhausted.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAPTER CXI.

An Act in relation to sales and conveyances made by the Garden Land Homestead Association.

[Approved February 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases of sales and conveyances heretofore made of real estate in the City and County of San Francisco, and purporting to have been made by the corporation known as the Garden Land Homestead Association, through its proper officers for that purpose, and made after the expiration of its term of existence as such corporation, to the owner or owners of shares in the capital stock therein, such sales and conveyances are hereby ratified, confirmed, and made valid and sufficient in law to transfer all the title which said association had attained prior to the termination of its existence, to all intents and purposes, and with the same effect as the same could or would have done if such sales and conveyances had been made during the existence of said association as a corporation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXII.

An Act concerning roads in the County of Humboldt.

[Approved February 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each Supervisor District in the County of Humboldt shall constitute one road district, and each road district shall have one Road Overseer, who may appoint one or more Deputies, for whose conduct he shall be responsible. The County Supervisors shall be ex officio Road Overseers for their respective districts.

SEC. 2. The Board of Supervisors for said county shall levy annually on or before the second Monday in May of each year, a tax not exceeding forty cents on each one hundred dollars in value of taxable property as assessed in the year in which such levy shall be made, and which tax shall be collected at the same time and in the same manner as the State and other county taxes by the Tax Collector, who shall receive as compensation therefor two per cent on the amount collected.

Road poll
tax.

SEC. 3. All able-bodied male persons between the ages of twenty-one and sixty years, residents of said county, shall pay a poll tax of two dollars for the use of the Road Fund of the county; *provided*, the same be paid between the first Monday in March and the first Monday in August; but if said poll tax is not paid prior to the first Monday in August it shall be three dollars. The road poll tax shall be collected by the Tax Collector of the county, who shall receive as compensation therefor ten per cent on the amount collected; and the payment thereof may be enforced in the same manner as by law provided for the collection of poll tax for State and county purposes.

Work, how
performed.

SEC. 4. All work done on roads and all bridges built or repaired in the County of Humboldt shall be done under contract awarded to the lowest responsible bidder, after at least five days public notice shall have been given by publication in some newspaper printed in the county, or by posting notices in three public places in the district where the work is to be performed, calling for sealed proposals, and stating the amount and description of the work to be done, or the materials to be furnished, and the time to be allowed for its completion, or a reference to specifications containing this information; *provided*, that when the cost of the work to be done or of the materials to be furnished shall not exceed the sum of twenty dollars, the Road Overseer may cause such work to be done or materials to be furnished without calling for sealed proposals; *provided* further, that the whole amount expended by any Road Overseer, not under contract as herein provided, shall not exceed the sum of two hundred dollars in any one fiscal year.

Road
Overseers,
duty of.

SEC. 5. The Road Overseers shall cause all public highways within their respective districts to be kept clear of all obstructions and in good repair, and cause banks to be graded, and bridges and causeways to be constructed and to be kept in good condition, and for the above named purposes they shall have full power to contract for such labor and material as may be found necessary to accomplish the same, subject to the limitation contained in section six of this Act.

Estimates.

SEC. 6. The Board of Supervisors shall, at their regular meeting in May of each year, make an estimate of the amount of moneys to be received in the Road Fund during the next fiscal year, and shall at said meeting appropriate the sum to be expended in each road district during that year. And the Road Overseers are authorized to expend the amounts appropriated to their respective districts in the manner directed by section four of this Act; *provided*, the Board of Supervisors at said meeting may leave unappropriated out of the moneys to come into the Road Fund the sum of two thousand dollars.

Acceptance
and approval
of work.

SEC. 7. Whenever any contract awarded under the provisions of this Act shall have been completed according to its terms, the Overseer awarding the same shall certify his acceptance and approval of the work done or materials furnished thereunder, to the Auditor, who shall thereupon draw his warrant on the Treasurer, payable out of the Road Fund, for the amount due under each contract as certified by the Overseer.

SEC. 8. Road Overseers shall, for each day that they may be

actually and necessarily employed in supervising the roads in their respective districts, receive the sum of four dollars per day, to be paid out of the Road Fund. Their claims for such services shall be in writing, specifying each several item, under oath, and filed with the Auditor, who, together with the District Attorney, shall allow or reject the same in whole or in part. Compensation of Overseers.

SEC. 9. Roads in the County of Humboldt shall not be more than sixty-six feet wide; *provided*, that a road running along any stream or slough down which logs are floated, may be ninety feet in width. Width of roads.

SEC. 10. Road poll tax receipts in blank shall be delivered to the Tax Collector by the Auditor, signed by the Auditor and the Treasurer. Road poll tax receipts.

SEC. 11. The Board of Supervisors, upon the presentation of a petition praying for a road to be laid out in the county, or for a road to be laid out from the dwelling or land of any person to any public road, or to and along any stream or slough down which timber or logs are floated, or from any public road to another, and designating the points therein, and generally the proposed location thereof, and the names of the parties owning or occupying the land over which the same is to pass, shall cause notice to be given to such parties personally, if residing in the county, or if not, by publishing such notice in some newspaper printed in the county for at least two months' before the hearing of the same, which hearing shall be at the next regular meeting of the Board of Supervisors after said petition shall have been presented; *provided*, that the Supervisors may, in their discretion, order that the petitioner or petitioners pay the cost of such publication. Petition for laying out road.

SEC. 12. If upon the hearing of such petition the Board of Supervisors shall be of the opinion that such road is necessary, they shall direct the County Surveyor to view out and locate said road, and upon the incoming of the report of said Surveyor they shall declare the same to be a public highway; *provided*, that before the opening or altering of any road, as herein provided, the Supervisors shall cause to be delivered or tendered to the owners or occupants of the land over which the same is to pass, an Auditor's warrant upon the Road or the General Fund of the county for the amount of damages by them awarded; or if in the judgment of the Board of Supervisors said road will be of more benefit to the petitioner or petitioners than to the public at large, they shall make an order that the same shall not be opened or altered until the amount of damages by them awarded shall be paid or tendered to such owners or occupants of the land by the petitioner or petitioners, parties interested.

SEC. 13. Any person or persons owning or claiming lands through or upon which it is proposed to locate a public highway, and desiring to apply for damages in consequence of such location, shall make application in writing to the Board of Supervisors on the day set for the hearing of the petition asking for the location of such road, wherein shall be set forth the particular road referred to, the amount and character of the land to be affected thereby, and other circumstances having relation to the subject of damages upon such land; *provided*, that the legal guardians of minors, idiots, or insane persons Damages.

shall be authorized and required to take all the measures in the premises which may be required to fully protect their rights. Any person who fails to make application for damages within the time and in the manner specified in this section, shall be considered as waiving all claims for damages and as dedicating the lands affected by the proposed location or alteration of said road to the public.

Damages. SEC. 14. In passing upon the claim for damages, the Supervisors shall take into consideration all the matters set up in the claim, and also the benefit to be derived by the claimant from the location of such road.

SEC. 15. Any person dissatisfied with the award of the Board of Supervisors shall, within three months from the date of filing the same, commence an action against the county for the damages claimed by him, in any Court of competent jurisdiction, and if he fail to recover a sum greater, shall pay the costs of such suit.

Repealing. SEC. 16. An Act entitled "An Act concerning roads and highways in the County of Humboldt," approved March sixteenth, eighteen hundred and seventy, is hereby repealed.

SEC. 17. This Act shall take effect and be in force from and after the first day of January, A. D. eighteen hundred and seventy-three.

CHAPTER CXIII.

An Act to incorporate the Town of Wilmington, in the County of Los Angeles, in the State of California.

[Approved February 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Boundaries
of Wil-
mington.**

SECTION 1. All that tract of land upon which the Town of Wilmington is now situated, known as the Rancho of San Pedro, fronting on the estuary of the sea which enters from the Port of San Pedro, in the County of Los Angeles and State of California, described specifically and at large, as follows: Beginning at a stake marked "A," situated near the banks of the sea estuary, and about twelve feet north of some little wells known by the name of "Las Barrels," and a little bluff, and running east seventeen degrees, twenty-five minutes, eighteen seconds, unto a stake marked "B," two thousand one hundred and eighty-three yards, including the land to the south of this line, to ordinary high water mark, according to said survey, and embracing within its limits one additional hundred (100) yards in the said estuary; starting from a point distant one mile, according to the turns and bends of the said high water mark, from the said stake "B," so as to include an additional strip of land a hundred (100) yards broad and a mile long from the said point "B," unto a stake marked "C;" following the ordinary high

water mark, and distant in a straight line sixteen hundred and nineteen (1619) yards and three (3) inches, with a course by compass east forty-seven degrees north, from this point north seventeen degrees twenty-five minutes west, in a straight line, unto the point marked "M;" distant twenty-six hundred and ninety-nine (2699) yards from this point west, seventeen degrees twenty-five minutes south, thirty-one hundred and forty-six (3146) yards and four (4) inches, unto the point or stake "N;" from this point, to place of beginning. Thirty-four hundred and ninety-two (3492) yards and five inches, so as to include neither more nor less, but exactly twenty-four hundred (2400) acres within the above described limits, being the same tract of land granted by Manuel Domingues and others to Benjamin D. Wilson and others, April nineteenth, eighteen hundred and fifty-five, and surveyed December, eighteen hundred and fifty-four, shall hereafter constitute the boundaries of and be known and named the Town of Wilmington, and the map of said town known as the official map of Wilmington, now on file in the office of the County Recorder of Los Angeles County, California, and recorded in Book Six of Deeds, pages sixty-six and sixty-seven, shall be the official map of said town, its subdivisions, streets, alleys, lots, and blocks.

Official
map.

SEC. 2. The government of said town shall be vested in a Board of Trustees, to consist of five members, a Town Marshal, Assessor, and Treasurer. Said town shall be a body politic and corporate by the name and style of the Town of Wilmington, and by that name they and their successors shall be known in law and have perpetual succession, and may sue and be sued in all Courts and in all actions whatsoever, and may provide for the use and regulation of all commons and property, both real and personal, belonging to the town by lien, use, or otherwise.

Town gov-
ernment.

SEC. 3. Said Trustees, Marshal, Assessor, and Treasurer shall be elected by the qualified electors of said town on the first Monday in April, eighteen hundred and seventy-two, and their successors on the first Monday in April each and every succeeding year thereafter, at an election to be held for that purpose by the legal voters resident in such town, and they shall hold their offices for one year and until their successors are duly elected and qualified.

Election of
officers.

SEC. 4. For the first election held to fill offices provided by this Act the present Board of Trustees of said town, if any, shall appoint an Inspector and two Judges of Election, who, together with two Clerks to be appointed by them, shall take the oath of office prescribed by law for Inspectors and Judges of State and county elections, to be held at a place to be designated by said Board of Trustees, if any, who shall at the time and place appointed declare the polls open, proceed to receive votes, and declare the result. In the event of there being no Board of Trustees of said town at the time of this Act of Incorporation, then in such case the Justice of the Peace for the township and town aforesaid shall proceed, as hereinbefore provided for the Board of Trustees, appoint Judges, Clerks, and Inspectors, receive votes, and declare the result. No person shall be entitled to vote nor hold office by virtue of this Act unless he shall be a citizen of the United States, and has been a

Manner of
election.

Qualifications of voters.

resident of said town for ninety days previous to said election, and is a qualified elector of the State. To entitle a person to vote at any election to be held under the provisions of this Act it shall only be necessary for such person, at the time he offers his vote, to prove to the satisfaction of the Judges of such election that he is a citizen of the United States, has resided in said town for ninety days prior to the time he offers his vote, and is an elector under the laws of the State. The oath of such person offering to vote shall not be conclusive evidence of the facts necessary to entitle him to vote, but he may be required to produce other and satisfactory proof of his qualifications, as the said Judges of Election shall deem just and proper. The person having a plurality of all the votes cast shall be declared elected. The returns of the town elections shall be made out and signed by the officers of election and filed with the Town Clerk. The polls for all the town elections shall be opened at one o'clock P. M. and continue open until seven o'clock P. M. of the same day. Vacancies to be filled as by law hereafter provided.

Election returns.

Organization of Board of Trustees.

SEC. 5. The Board of Trustees shall assemble within ten days after necessary notice of their election and proceed to choose a President from their number, and some person as Clerk; they shall by ordinance fix the time and place of holding their stated meetings, and all meetings of the Board shall be held within the corporate limits of said town, and shall be public.

Regular meetings.

SEC. 6. At the meetings of the Board, a majority of the Trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously, by ordinance, may have prescribed.

Proceedings.

SEC. 7. The Board of Trustees shall judge of the qualifications and of the election returns of their own members, and determine contested elections of all town officers; they may establish rules for their own proceedings; punish any member or other person for disorderly behavior in their presence; they shall keep a journal of their proceedings, and at the desire of any member shall cause the yeas and nays to be taken on any question, and entered on the journal.

The powers and duties of the Board of Trustees.

SEC. 8. The Board of Trustees shall have power within and for said town: Firstly, to make by-laws and ordinances not repugnant to the Constitution and laws of this State; secondly, to construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for duly supplying the town with water; and for this purpose the said Board of Trustees may and they are hereby authorized to issue town bonds in any sum not to exceed thirty thousand dollars; which said bonds shall be signed by the President of the Board of Trustees and countersigned by the Treasurer. They shall be issued in sums of one, two, three, four, and five hundred dollars each, to bear interest at the rate of ten per cent per annum, and made payable in ten years from the date of their issue; *provided*, that all the bonds hereby authorized to be made by said Board of Trustees shall be issued at one time and bear one and the same date.

Said bonds shall only be disposed of at par for cash. It is pro- Tax.
 vided, and said Board of Trustees are hereby authorized, to
 levy and collect a tax (in addition to the levying and collecting
 of other taxes for other and general purposes, as hereinafter
 provided) for the specific purpose and use of paying the interest
 that shall accrue and become payable on said bonds annually,
 and pay off and discharge the principal of all such bonds at
 maturity, which tax shall be levied and collected annually, as
 other taxes, and at the same time, and shall be equal in amount
 to the interest due or to become due on all bonds outstanding
 against the town for that year, and three thousand dollars in
 addition thereto; which last mentioned sum shall be loaned for
 use, by said Board of Trustees, at a rate of interest not less
 than six per cent per annum, unencumbered real estate alone
 being received as security; which sum shall be held and denomi-
 nated the Sinking Fund of the town or corporation for the pay-
 ment of said bonds when they shall all become due and pay-
 able. The interest that shall be received for or on account of
 such said annual loans shall be placed in the Treasury of such
 corporation and applied to the payment of interest then due or
 to become due on said bonds, and thus gradually extinguish the
 tax herein provided for the payment of interest on outstanding
 bonds of the corporation. Any and all bonds issued by said town
 or its Board of Trustees, and any and all indebtedness or lia-
 bility created or incurred by said town or its Board of Trustees,
 or any officers thereof, other than that named in this section,
 shall be null and void as against said town, and shall not at any
 time or in any manner be collectable against or from said town,
 but it shall be deemed, held, and considered the private and per-
 sonal debt of those officers contracting or incurring it, or whose
 names shall be signed to or on any of such bonds or other writ-
 ten or printed evidence of such debt or liability, except so far
 as there is cash on hand in the Treasury at the time said debt is
 incurred over and above all debts and charges against said
 town, exclusive of the bonds named in this section, and the
 interest thereon. Indebted-
 ness.

SEC. 9. Said Board of Trustees shall have power to lay out, Specifi-
 alter, open, and keep open and repair the sidewalks in the town, cation of
 and to provide such means as they may deem expedient to pro- powers.
 tect the town from fire; to levy and collect a tax annually, not
 to exceed one per cent, on the assessment valuation of all prop-
 erty, both real and personal, within the town limits; but this
 provision shall not be considered as impairing their right to
 levy and collect the tax mentioned in section eight of this Act;
 to levy and collect a poll tax of not exceeding two dollars per
 annum, on every male inhabitant of the age of twenty-one
 years and upwards; to impose and collect a tax, not more than
 five dollars, on every dog owned within the limits of the town;
 to provide for the drainage, the establishment of uniform grades,
 paving, improving, repairing, and lighting of the streets, and
 the construction of sidewalks, drains, and sewers, and the keep-
 ing of the same in repair, and the prevention and removal of
 obstructions on sidewalks and on all the streets and public
 grounds of the town; to negotiate the bonds provided for in
 section eight of this Act, but shall in no other manner pledge

the faith or credit of the town for any sum of money or valuable thing whatever; to pass all ordinances and by-laws necessary and proper for fully carrying into effect the foregoing provisions.

Municipal
ordinances.

SEC. 10. The Board of Trustees may, by ordinance, designate the fines to be imposed for the breach of their ordinances, but no fine shall be imposed on any one person for any one breach of any ordinance of more than one hundred dollars; which fine may be recovered before any Justice of the Peace having his office within the corporation limits of the town, by suit in the name of the Town of Wilmington, and collected by execution or in such other manner as fines imposed by laws of the State are collected; and persons living within the limits of the town shall be competent jurors and witnesses, if in other respects competent and qualified. All fines collected under this Act shall, by the officers collecting the same, be paid over to the Town Treasurer, and for any omission to do so, such officer may be proceeded against upon his official bond, in the name of the town, in manner authorized by law on the failure of officers to pay over money collected when requested. The Board of Trustees may designate the fines and imprisonments to be imposed for any breach or violation of any ordinance, but no fine shall be imposed for a larger amount than one hundred dollars, nor any imprisonment for more than sixty days, for any offense.

Purchase
of property.

SEC. 11. The Trustees shall succeed to all the succession, rights, liabilities, titles, interests, possessions, credits, immunities, debts and obligations, in law as in equity, that shall be enjoyed or owned by the Town of Wilmington at the time of taking effect of this Act, and said Trustees may purchase, hold, and receive property, real and personal, within said town necessary for public use or purposes.

Repairs of
sidewalks.

SEC. 12. If at any time the owners of a majority of the real estate fronting on one side of any street between two given points on such streets shall petition the Board of Trustees to order to be constructed or repaired a sidewalk along such street and between said given points, then it shall be the duty of said Trustees to determine and draw up or cause to be drawn up, plans and specifications of the character of the sidewalk to be constructed, or repairs to be made, and shall order said improvements as petitioned for, to be made in accordance with said plans and specifications, and shall make an assessment of the costs thereof to each of the persons owning the real estate between said given points, each of said persons to pay the cost of said improvements in front of his or her property, and the same shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvements in front of his property, in accordance with the specifications and within the lines mentioned in the ordinance, ordering the improvement to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out in manner provided by ordinance, the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect, or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees,

to institute suit in the name of the town, against the owner for the recovery of said costs, and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may issue thereon and may be served as in other civil cases. The said Trustees may require said sidewalks, after such improvements have been made, to be kept in good repair by the owners of said real estate, and if not repaired when ordered, the Marshal may let out the making of such repairs and collect the cost for the same in the same manner as in the case of the owners failing to make or pay for the same as aforesaid; *provided*, that the costs for the plans and specifications shall be paid out of the General Fund of the town, and *provided* further, that all street crossings for sidewalks shall be made at the expense of the owners of the quarter blocks adjacent to said crossing.

SEC. 13. If at any time the owners of more than one street half in frontage of lots and lands fronting improvements, on any street between two given points on such street, or their duly authorized agent, shall petition the Board of Trustees to order to be graded, macadamized, or otherwise improved such street between said points, then it shall be the duty of said Board of Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the improvement to be made on such street, and shall order said improvement as petitioned for to be made in accordance with said plans and specifications, and may make an assessment of one half of the cost thereof to each of the persons owning the real estate fronting on said street between said points, each of said persons to pay one half of the cost of making said improvements in front of his property, or said Board of Trustees may assess less than one half of the cost of said improvement to each of the owners of the real estate fronting on said street, and may pay out of the Town Treasury such amount as may be necessary to complete said improvement. Whatever amount may be assessed against said real estate as aforesaid in this section by said Board of Trustees shall constitute a lien upon such real estate unless the same is paid; *provided*, that each of said persons shall have the privilege of making such improvement in front of his property in accordance with the plans and specifications, and within the time mentioned in the ordinance ordering the improvement to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out, in the manner provided by ordinance, the making of all improvements that remain unfinished, and if the owner or occupant of such real estate shall fail, neglect, or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute suit in the name of the town against the owner for the recovery of said costs, and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon, and may be served as in other civil cases. The plans and specifications provided for in this section shall be paid out of the Town Treasury.

Grading
and repairs
of streets.

**Assess-
ments.**

SEC. 14. The assessments provided for in sections twelve and thirteen of this Act shall be made upon the lots and lands fronting upon the street to be improved, each lot or portion of lot being separately assessed, in proportion to its frontage, at such rate per front foot as the Board of Trustees may have agreed upon, not to exceed the one half of the cost of such improvement in front of such property.

**Apportion-
ment.**

SEC. 15. Whenever any street to be improved, as provided in section thirteen of this Act, shall cross any other street, then the expense of improvement on such crossing shall be assessed by the Board of Trustees upon the four quarter blocks adjoining and cornering on the crossing, and each lot or part of lot in such quarter block fronting on such street where the improvement is being, or is about to be made, shall be separately assessed according to its proportion of frontage on such street to be improved; *provided*, that said Board of Trustees may assess less than the entire cost of said improvement on said four quarter blocks, and may pay the balance out of the Town Treasury; the Trustees shall fix by ordinance each year the assessment of taxes to be levied and collected for current expenses; *provided*, that no tax to be levied shall exceed for any one year one per cent on all the taxable property of said town. This provision shall not be construed as repealing or affecting the rights of said Trustees to levy a tax as provided for in section eight of this Act.

**Limitation
of tax.****Contraction
of debt.**

SEC. 16. Neither the Board of Trustees, officer, or officers of authority, shall have power to contract any debt against the town, except as provided in the preceding section, and except for such legal and proper expenses thereof as shall accrue after the commencement of the year for which the tax shall be levied; and no part of the moneys levied and collected by taxation for one year, shall ever be applied toward the payment of any expenses, debts, or liabilities incurred during any preceding year.

Ordinances

SEC. 17. Every ordinance passed by the Board of Trustees, in order to possess legal form, shall receive a majority vote of all the members elected.

**Board of
Equaliza-
tion.**

SEC. 18. The Board of Trustees shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessment, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property, as fixed by the Assessor, and shall have power to direct the Assessor to modify and change such valuation in any way they or a majority of them shall deem just and proper. Such meeting shall be held for such length of time as the Board of Trustees shall by ordinance fix.

**Bonds of
officers.**

SEC. 19. The Marshal, Treasurer, Assessor, and Clerk before entering upon the duties of their office shall take the oath of office as prescribed by law, and shall also give a bond, with sureties to be approved by the Board of Trustees of said town, payable to the Town of Wilmington, in such penalty as may be prescribed by ordinance conditional for the faithful performance of the duties of this office as required by law. Should the bond of any town officer become insufficient, he shall be re-

quired to give such additional security within ten days, as the Board of Trustees may require, not exceeding the amount fixed by ordinance; and upon his failure to do so by the time fixed his office shall be declared vacant, and such vacancy shall be filled by appointment of the Board of Trustees.

SEC. 20. If any vacancies shall occur in any offices created by this Act, they shall be filled by appointment of the Board of Trustees. Should any of the officers herein fail to qualify and give the bond required for the period of ten days after receiving notice of their election, the offices shall be deemed vacant, and the same shall be filled as provided for in this Act. The official bond of any officer named in this Act shall be filed with the President of the Board of Trustees. Vacancies.

SEC. 21. Until the Board of Trustees shall pass such ordinances as may be required by this Act, the ordinances heretofore passed by any acting Board of Trustees or other body of persons acting officially for said Town of Wilmington, shall be legal and effectual as if passed under this Act, and the same shall be enforced by the town officers until others in lieu thereof shall be passed by the Board of Trustees and published. Existing regulations recognized.

SEC. 22. All demands that shall lawfully arise against the town, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to and allowed for such an amount as shall be deemed just by the Board of Trustees; and no bill, demand, or warrant shall be paid out of the Town Treasury, unless the same be allowed by the Board of Trustees, signed by the President of said Board, and countersigned by the Clerk. Payment of claims.

SEC. 23. It shall be the duty of the Town Clerk, in addition to any duties required of him by the Board of Trustees, to attend all meetings held by said Board; he shall keep a correct journal of their proceedings, and on receiving the official returns of all charter elections held, shall, without delay, after the result of the election has been disclosed by the Board of Trustees, notify the persons elected, and shall draw and countersign all orders drawn on the Town Treasury; and he shall receive such compensation as said Board of Trustees may deem just, not to exceed three hundred dollars per annum. The Town Clerk.

SEC. 24. It shall be the duty of the Town Marshal, in addition to any duties required of him by the Board of Trustees, and he is hereby authorized to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same, to collect all taxes that shall at any time be due said town, to receive the tax list, and upon receipt thereof, to proceed and collect the same at the time and in the manner as by ordinance may be provided, the said Marshal being hereby vested with the same powers to make collections of taxes as is or shall be conferred upon Tax Collectors for the collection of State and county revenue; and it shall be the duty of said Marshal to collect in the same manner any tax list placed in his hands for that purpose, without any unnecessary delay, and to pay all taxes to the Town Treasurer weekly, taking his receipt therefor. Said Marshal shall receive such compensation for his services rendered under the provisions of this Act as the Board The Town Marshal.

of Trustees may by ordinance fix, not to exceed twelve hundred dollars per annum.

The Town
Treasurer.

SEC. 25. It shall be the duty of Town Treasurer to receive and safely keep all moneys that shall come into the Town Treasury, and pay out the same to the order of the President of the Board of Trustees, countersigned by the Clerk, and take receipts therefor, and to perform such other duties as may be required of him by said Board of Trustees, and he shall make out a quarterly statement of his receipts and payments, verified by his oath, and file the same with the Town Clerk, and at the end of his official term shall deliver over to his successor in office all moneys, books, papers, or other property in his possession belonging to the town. Said Treasurer shall receive for his services under this Act such compensation as the Board of Trustees may by ordinance fix, not exceeding one hundred dollars per annum.

The Town
Assessor.

SEC. 26. It shall be the duty of the Town Assessor, in addition to any duties required of him by the Board of Trustees, between the first Monday in May and the first Monday of July of each year to make out a true list of all taxable property within the limits of said town, which list, certified by him, shall on the first Monday in July by him be placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of the property shall be the same as that prescribed by law for assessing State and county taxes, and the Assessor shall receive for his services such sum as shall be fixed by ordinance, not to exceed two hundred dollars per annum.

Taxes and
fines.

SEC. 27. All taxes, assessments, and fines payable to the Town Treasury, and the cost of the improvements on any sidewalk, street, or other town improvement, shall be payable only in the gold and silver coin of the United States; *provided*, nevertheless, said Board of Trustees may by ordinance provide for their payment in the currency of the United States.

SEC. 28. The President of the Board of Trustees shall preside at all meetings of said Board when he shall be present, and for their services said Board of Trustees shall receive no compensation whatever.

SEC. 29. This Act shall take effect from and after its passage.

CHAPTER CXIV.

An Act to create the Eighteenth Judicial District, and for other purposes.

[Approved February 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Seventeenth Judicial District of this State is hereby divided and the Eighteenth Judicial District created.

The County of Los Angeles shall remain and hereafter constitute the Seventeenth Judicial District. The Counties of San Diego and San Bernardino shall be hereafter known as and constitute the Eighteenth Judicial District. Eighteenth Judicial District created.

SEC. 2. Suits brought and matters now pending in the District Court of the Counties of San Diego and San Bernardino shall be heard and determined in the Eighteenth Judicial District, as if such suits had been, after the creation of it, there commenced; and the process of the District Court of the Eighteenth Judicial District shall be as effective for all such purposes as if the same were issued from the Seventeenth Judicial District. Suits transferred

SEC. 3. The terms of the District Court of the Eighteenth Judicial District during each year shall commence as follows: Terms of Court. in the County of San Diego, on the second Monday of January, April, July, and October; in the County of San Bernardino, on the second Monday of March, June, September, and December. Said terms shall continue until the time fixed for holding a term in another or the same county in the district, if the business of the Court shall require it.

SEC. 4. At the special judicial election of the year eighteen hundred and seventy-three, and every six years thereafter, a District Judge shall be elected for the Eighteenth Judicial District; and the Judge so elected shall enter upon the discharge of his duties as such on the first day of January after his election. Election of Judge.

SEC. 5. The Governor shall appoint and commission, immediately after the passage of this Act, some suitable person learned in the law, and a resident of said Eighteenth Judicial District, as District Judge of said Eighteenth Judicial District, who shall hold his office until his successor shall have been elected and qualified, as provided in section four of this Act. Appointment of Judge.

SEC. 6. The Judge of the Eighteenth Judicial District shall receive a salary of four thousand dollars per annum, payable in the same manner as the salaries of other District Judges of this State. Salary.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CXV.

An Act declaring the San Joaquin River and the Stockton Slough navigable, from and to certain points herein named.

[Approved February 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The San Joaquin River, between its mouth and the location of the San Joaquin Valley Railroad Bridge, and the Stockton Slough, between its mouth and the west line of San Joaquin River navigable.

El Dorado street, in Stockton, are hereby declared navigable streams.

Repealing. SEC. 2. All Acts and parts of Acts, in so far as they conflict with this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CXVI.

An Act for the relief of James M. Kane.

[Approved February 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

James M.
Kane,
relief of.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and directed to order paid to James M. Kane the sum of sixteen hundred and twenty-five dollars, in United States gold coin, which said amount remains due and unpaid to the said James M. Kane, by virtue of a contract made by the Marine Board of the City and County of San Francisco with the said James M. Kane, employing him as special officer of said Marine Board, at a salary of one hundred and twenty-five dollars per month, the said James M. Kane having served as such officer for thirteen months on the thirty-first December, eighteen hundred and seventy-one.

SEC. 2. The Auditor of the City and County of San Francisco is hereby authorized and directed to audit the said sum of money, as above specified, and issue his warrant therefor to James M. Kane, and upon presentation of said warrant to the Treasurer of the City and County of San Francisco the said Treasurer shall pay said warrant, as other indebtedness of said city and county is paid, out of the General Fund.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXVII.

An Act prescribing certain duties to be performed by the State Controller, State Treasurer, and State Board of Examiners.

[Approved February 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Controller shall furnish to the State Treasurer, on the tenth, twentieth, and last days of each month,

and when either of these days falls upon a day on which the State Controller is not required to keep his office open for the transaction of business, then upon the day immediately preceding the days herein mentioned, with a report of all warrants drawn by him upon the Treasurer since the date of his last report. Such report shall show the number, date, and amount of each warrant, to whom issued, and the Fund out of which it is payable. From the report so furnished by the Controller, the State Treasurer shall make a Register of Warrants, and shall pay all warrants in the order in which they are drawn by the Controller.

Controller
to furnish
Reports to
Treasurer.

SEC. 2. Upon the last day of each month, except when such last day falls upon a day on which the State Treasurer is not required by law to keep his office open for the transaction of business, then upon the day immediately preceding such last day, the State Treasurer shall furnish the State Controller with a list of all warrants paid by him since the date on which his last list was furnished. Such list shall contain the number, date, and amount of each warrant, and the Fund out of which the same was paid.

Treasurer
to furnish
Controller
with list of
warrants.

SEC. 3. Immediately after the passage of this Act, it shall be the duty of the State Controller and State Treasurer, under the supervision of the Governor, to ascertain the numbers, dates, and amounts of the several warrants drawn by the Controller and then unpaid by the Treasurer, and to adjust the balances in the several Funds of the State Treasurer upon the books of the Controller and Treasurer, in accordance with the sums found to the credit of each on the books of the Controller, and the warrants found to be outstanding and not paid by the Treasurer.

Controller
and
Treasurer
to adjust
balances.

SEC. 4. When the balances in the several Funds of the State Treasury shall be adjusted as provided for in the next preceding section, the State Board of Examiners shall count the money in the State Treasury and compare the amount with the amount found to be in all the Funds of the State Treasury by the books of the State Controller, and upon the first business day of each month thereafter, the State Controller shall furnish the State Board of Examiners with a statement of the amount of money in each Fund of the State Treasury, and the total amount as the same appears upon the books of his office, together with a list of warrants issued by him but not paid by the State Treasurer, and for the payment of which there is money in the State Treasury. Upon the receipt of such statement from the Controller, the State Board of Examiners shall proceed to count the money in the State Treasury, and compare the amount with the amount named in the statement of the Controller.

Examiners
to count
money and
compare
books of
Controller.

SEC. 5. Whenever any warrant issued by the State Controller shall remain in his office uncalled for by the owner thereof for the period of one year after such warrant has become payable, it shall be the duty of the Controller and Treasurer, in the presence of the State Board of Examiners, to cancel the same; and whenever any warrant, delivered to the owner thereof by the Controller, but not presented to the State Treasurer for payment for a period of one year after such warrant has become payable, said warrant shall be deemed to be canceled, and the Treasurer shall, in the presence of the Controller and State Board of Examiners, write the word "canceled"

When
warrants
canceled.

opposite the entry of such warrant in his registry of warrants provided for in the first section of this Act. The word "canceled" shall also be written by the State Controller opposite the entry in the warrant register in his office, of all warrants required to be canceled by this Act. The amounts of all warrants canceled under the provisions of this Act shall revert to the Fund in the State Treasury against which said warrants were drawn, and shall be entered upon the books of the Controller to the credit of such Fund, in the same manner as other moneys paid into the State Treasury.

Register of
canceled
warrants
to be kept.

SEC. 6. The Controller and Treasurer shall each keep a register of warrants canceled under this Act, in which shall be entered the number, date, and amount of the warrants, the name of the person in whose favor it was drawn, the Fund out of which it was payable, and the date of cancellation. Whenever the owner of any warrant canceled under the provisions of this Act demands such warrant from the Controller, it shall be the duty of the Controller to issue a new warrant for the same amount, in the name of the same person, and payable out of the same Fund as the warrant canceled; and in case where a warrant issued by the Controller, but not paid by the Treasurer, has been canceled and the owner or holder thereof presents the same for payment, it shall be the duty of the State Controller to draw a new warrant therefor, in the name of the same person, for the same amount, and payable out of the same Fund as the original warrant, and such original warrant shall thereupon be canceled by him and retained in his office as his voucher for issuing such new warrant. In all cases where a warrant shall be issued in lieu of one canceled, the word "duplicate" shall be plainly written or printed across the face thereof, in red ink, by the Controller, and the issue thereof noted on the registry of canceled warrants kept in his office, and when any such duplicate warrant is paid by the State Treasurer he shall note the payment thereof on the registry of canceled warrants kept in his office.

Interest
coupons,
when
canceled.

SEC. 7. Whenever the interest coupons attached to any registered bond of this State issued under either of the following named Acts, to wit: An Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eight, eighteen hundred and fifty-seven; an Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eight, eighteen hundred and fifty-seven, approved April twenty-seven, eighteen hundred and sixty; an Act for the relief of the enlisted men of the California Volunteers in the service of the United States, approved April twenty-seven, eighteen hundred and sixty-three; an Act granting bounties to the volunteers of this State, enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four, and an Act authorizing the issuance of State bonds to the amount of two hundred and fifty thousand dollars, to be known as State Capitol Bonds, approved April fourth, eighteen

hundred and seventy, shall not be presented to the State Treasurer for payment for a period of one year after such coupon has become due and payable. It shall be the duty of the State Treasurer to furnish the State Controller and State Board of Examiners each with a list of such coupons not presented for payment, with the amount thereof, whereupon the State Controller shall order the Treasurer to place the money held by him for the payment of such coupons into the General Fund of the State Treasury, and the amount so ordered into the General Fund shall be placed to the credit of said Fund on the books of the Controller and Treasurer in the same manner as other moneys paid into the State Treasury.

SEC. 8. Whenever any of the interest coupons mentioned in the seventh section of this Act are presented for payment, after the money to pay the same has been transferred to the General Fund, such coupons shall be presented to the State Board of Examiners, which Board shall audit and allow them out of the General Fund of the State Treasury, and shall transmit a voucher to the State Controller, upon which to draw his warrant upon the State Treasurer. Upon the presentation of such warrant and the surrender to him of the coupons for the payment of which the said warrant is drawn, the State Treasurer shall pay the same out of the General Fund.

Canceled
interest
coupons,
how
payable.

SEC. 9. Immediately after the passage of this Act the State Board of Examiners shall examine the books in the State Treasurer's office, in which are pasted the coupons of the registered bonds of the State paid by him, and shall require the State Treasurer to make out a list of all coupons not found therein, as provided for in section seven of this Act, and the money held by him for the payment thereof shall be placed in the General Fund as provided in this Act.

Immediate
duty of
Examiners

SEC. 10. This Act shall take effect from and after its passage.

CHAPTER CXVIII.

An Act to furnish arms for the use of military academies in the State.

[Approved February 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That when a military academy has been established within the State, having not less than eighty boys, uniformed, drilled, and instructed in strict accordance with the tactics of the regular United States army service, and all its course of education and economy conducted upon strict military principles, the military instructor of such academy, when

Military
Academy.

Major. regularly elected by the Board of Trustees or other lawful authority of the academy, be commissioned in the National Guard of California, with the rank of Major.

Arms to be issued. SEC. 2. That upon giving bond, with good security, to be approved by the County Judge of the county where the academy is situated, conditioned for the safe keeping against fire, loss, and against all damages, in twice the value, that arms and accoutrements, the property of the State, be issued for the use of such military academy.

Requisition SEC. 3. The Adjutant General of the State is hereby authorized to issue such arms and accoutrements as may be needed by the said military academies, without a monthly allowance, in the same manner as arms and accoutrements are issued to regular organized companies of the National Guard of California, upon requisition made for this purpose, approved by the Commander in Chief.

SEC. 4. This Act shall take effect immediately.

CHAPTER CXIX.

An Act to repeal an Act entitled an Act authorizing the publication of certain legal notices in a State Paper, printed at the seat of Government of the State of California. Approved March twenty-ninth, eighteen hundred and seventy.

[Approved February 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

State Paper. SECTION 1. An Act entitled an Act authorizing the publication of certain legal notices in a State Paper printed at the seat of Government of the State of California, approved March twenty-ninth, A. D. one thousand eight hundred and seventy, is hereby repealed.

SEC. 2. This Act shall take effect ninety days after its passage.

CHAPTER CXX.

An Act to repeal an Act entitled "An Act to protect litigants," approved March twenty-ninth, A. D. one thousand eight hundred and seventy.

[Approved February 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled "An Act to protect litigants," approved March twenty-ninth, A. D. one thousand eight hundred and seventy, is hereby repealed. Litigant
Paper.

SEC. 2. This Act shall take effect ninety days after its passage.

CHAPTER CXXI.

An Act authorizing the Trustees of Santa Barbara School District, of the County of Santa Barbara, of this State, to issue bonds of the said district for the sum of six thousand dollars.

[Approved February 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The School Trustees of Santa Barbara School District, of the County of Santa Barbara, are hereby authorized to issue bonds of the said school district for the sum of six thousand dollars, payable in gold coin of the United States in ten years after the first day of March, A. D. eighteen hundred and seventy-two, and to bear interest at the rate of ten per cent per annum, payable semi-annually in gold coin at the Bank of California, in the City and County of San Francisco. School
Trustees
may issue
bonds.

SEC. 2. Said bonds shall be of the denomination of five hundred dollars each, with coupons for interest attached, and shall be signed by the Chairman of said Board of Trustees, and by the Superintendent of Public Instruction of said county, and by the County Auditor of the said county, and shall be authenticated by the seal of the said County Auditor, and shall purport that the said school district owes to the holder thereof the sum of five hundred dollars in gold coin, payable and bearing interest as aforesaid. Denomina-
tion.

SEC. 3. It shall be the duty of the County Treasurer of the County of Santa Barbara, to set apart semi-annually, out of the moneys belonging to the said school district in the County Fund thereof, the sum of three hundred dollars, for the purpose of paying the interest that shall accrue on said bonds, which shall be subject to the draft of the Superintendent of Public Schools of the said county. Payment of
interest.

Place of
payment.

SEC. 4. It shall be the duty of the Superintendent of Public Schools of the said county to remit, semi-annually, the funds set apart by the Treasurer of the said county for the payment of the said interest, to the Bank at which the said coupons of interest are payable, and the expense thereof shall be a charge against the County Fund of the said district; and for the performance of this duty the said Superintendent of Public Schools shall be responsible in his official bond.

Sale of
bonds.

SEC. 5. The said bonds shall be sold by the said School Trustees to the person or persons offering the highest price therefor; *provided*, said bid shall be not less than ninety per cent of the par value of said bonds; and for this purpose it shall be the duty of the said School Trustees to advertise the same for sale by publishing a notice of such sale for at least four weeks in one newspaper printed and published in the City and County of San Francisco, and in some newspaper printed and published in the County of Santa Barbara, inviting proposals for the purchase thereof, and the purchasers whose bids shall be accepted shall pay into the County Treasury of the said County of Santa Barbara, the amount bid by them, and shall be entitled to receive from said Treasurer the bonds so purchased, and the proceeds thereof shall constitute a special Fund for said district.

Tax.

SEC. 6. It shall be the duty of the School Trustees of the said district to levy and cause to be collected from the real and personal property within the said school district, in the year one thousand eight hundred and eighty-one, in the manner provided or that may hereafter be provided by law, for raising revenue for the support of common schools in the counties of this State, the sum of six thousand dollars for the payment of the principal of the said bonds.

Payment of
bonds.

SEC. 7. It shall be the duty of the County Treasurer of the County of Santa Barbara to pay the said bonds at their maturity, at the place where the same are payable, in the City and County of San Francisco, and the expense of remitting the money for that purpose shall be a charge against the County School Fund of the said school district.

Payment of
debts and
demands.

SEC. 8. The said School Trustees are hereby authorized and empowered to audit and pay all just and equitable debts and demands against said school district, including the balance that may be found due, to the contractors, laborers, and material men for work done and material furnished in the erection of the brick school house recently erected in the said district, and the balance of the moneys arising from the sale of said bonds shall be employed in providing seats and suitable furniture for the new school house of said district, for the grading of the school lot on which the same is erected, for the purchase of land adjoining the same, if deemed necessary for the convenience of said school, and for such other purposes as shall seem proper for carrying on the school of said district, at the discretion of said School Trustees.

SEC. 9. This Act shall take effect from the date of its passage.

CHAPTER CXXII.

An Act to authorize the Board of Supervisors of Mendocino County to issue bonds of said county and apply the same to the construction of wagon roads in said county.

[Approved February 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Mendocino County are hereby authorized and directed to issue the bonds of said county to the amount of forty thousand dollars, payable on the first day of January, A. D. one thousand eight hundred and ninety-seven (1897), with interest at the rate of eight per cent per annum, payable annually on the first day of January; both principal and interest to be made payable in United States gold coin only. Said bonds shall be issued in denominations of five hundred dollars each, and shall be signed by the Chairman of the Board of Supervisors and countersigned by the Auditor of the county; interest coupons shall be attached signed in like manner. Mendocino
County
Bonds.

SEC. 2. The bonds and coupons shall be payable at the office of the County Treasurer, and when any coupons are paid they shall be canceled by the Treasurer and filed with the Auditor. Both Treasurer and Auditor shall keep an accurate account of the coupons redeemed. Payment.

SEC. 3. Said coupons shall bear the date of their issuance, and the first coupons shall be for the interest from such date up to the first day of January next succeeding. Interest.

SEC. 4. For the purpose of paying the interest on said bonds the Board of Supervisors of said county shall at the time of levying the county taxes for each year levy a special tax on all property in said county sufficient to pay the interest for one year on all bonds then outstanding. In making such levy the Board of Supervisors shall not deem the value of the property of the county to be greater than it was shown to have been by the assessment of the preceding year. The special tax thus levied shall be assessed and collected as other State and county taxes are assessed and collected, and shall be set apart as a special Fund, to be known as the "Road Bond Interest Fund," and out of said Fund the coupons on said bonds shall be paid as they fall due. Special tax

SEC. 5. If the amount realized from said special Fund exceed the amount required to pay the coupons on the first day of any January, the Board of Supervisors may transfer such surplus to the County General Fund. Surplus
money.

SEC. 6. In and for the year eighteen hundred and eighty-seven, and each year thereafter, until the whole of said bonds are paid, the Board of Supervisors of said county shall levy and cause to be collected a tax sufficient to pay ten per cent of the whole issue of said bonds, and the tax thus levied and col- Redemp-
tion Fund.

lected shall be set apart as a special Fund, to be known as the "Road Bond Redemption Fund."

Method of redemption of bonds.

SEC. 7. Whenever there shall be one thousand dollars or more in said last named Fund, the Treasurer shall cause notice to be published once a week for three successive weeks, in some paper printed in said county, which notice shall state that he is prepared to redeem, on a day to be named therein, bonds to the amount of the money then in said Fund, and that until said day at (12) twelve o'clock, m., he will at his office receive sealed proposals for the surrender of bonds issued under this Act. Immediately after the hour specified he shall, in the presence of the County Auditor, open all such proposals, and shall redeem such bonds as may be offered at the lowest figure; *provided*, that no bid above par value shall be accepted. If no bid shall be put in at par, or less, or if a sufficient amount of bonds shall not be offered to absorb all the moneys then in said Fund, then bonds to the amount of the moneys in said Fund shall become due and payable in the order in which they are numbered, and the Treasurer shall give notice in like manner as above; *provided*, that such bonds have become due, and all interest thereon shall cease from and after thirty days from the first publication of such notice.

Specifications for the use of money realized from sale of bonds.

SEC. 8. Said bonds shall be treated by the Board of Supervisors as so much money at their par value, and shall be by said Board appropriated, applied, and used in laying out and construction of roads in said County of Mendocino, as follows, on what is known as the State road, leading from Cloverdale to Cahto, and between the north end of Sink's toll road and J. W. Burk's dwelling house, over the best and most practical route: Ten thousand dollars shall be expended between Adams' house and Traber's mill, over the best and most practical route, by the way of Walker Valley; two thousand dollars shall be expended on the road leading from W. J. Cleveland's mill, by the way of Potter Valley, to Little Lake; two thousand dollars thereof shall be laid out and expended on the road leading from the head of Potter Valley, by the way of Foster's cabin, to Round Valley; four thousand dollars shall be laid out and expended between the south bank of the middle fork of Eel River and the head of Potter Valley; on the road leading from Ukiah City to the coast, there shall be laid out and expended on the survey known as "Heiser's survey," as near as the same shall be found practicable, and between the said Ukiah City and Rice and Hoak's dwelling, the sum of ten thousand dollars—the whole of said last named sum shall be expended on said road, between Rice and Hoak's dwelling and Ukiah City; on a road leading from a point near Booneville, in the upper end of Anderson Valley, over the best, nearest, and most practicable route, to a point on the coast, near Point Arenas, to be located under the direction of the Board of Supervisors, there shall be laid out and expended eight thousand dollars thereof—the grade on the last named road shall not exceed sixteen inches to the rod; on the road leading from McDonald's, by the way of Anderson Valley, to Wintzer's store, on the Navarro ridge, there shall be laid out and expended four thousand dollars.

SEC. 9. Before the expiration of forty days after the passage of this Act, the Board of Supervisors shall employ a competent engineer or engineers to survey and locate said road, from the north end of Sink's toll road, over the most practicable route, to J. W. Burk's dwelling house. Said road shall be constructed at least fourteen feet wide, and at least twelve feet thereof on solid ground; and the grade or ascent and descent, longitudinally, shall not exceed fourteen inches to the rod. The road from Ukiah City to Rice and Hoak's dwelling shall be constructed in the same manner, except the grade shall not exceed sixteen inches to the rod. Said engineer or engineers shall, within thirty days after they are employed, survey and locate said road, and make and file with the Clerk of the Board of Supervisors, reports of such surveys and locations, together with the map and field notes thereof.

SEC. 10. Upon filing said report the Clerk of the Board of Supervisors shall notify each member of the Board of the filing thereof, and on the tenth day after the filing of said report it shall be the duty of said Board to meet at their usual place of meeting in said county, and at such meeting they shall divide each of the two last named roads into two or more sections, and shall advertise for the construction of said roads, and each section thereof, in accordance with the provisions of this Act. Said notice to be published once a week for four successive weeks, in some paper printed in said county, which notice shall state that until a day therein named at twelve o'clock M., said Board will receive sealed proposals for the construction of said roads, or either section thereof, and said Board of Supervisors shall meet on the last day provided for receiving bids, and at the hour last named, or as soon thereafter as practicable, open said proposals, and shall award the contracts for the construction of said roads, or any section thereof, to the lowest responsible bidder or bidders.

SEC. 11. Each proposal shall be accompanied by a bond executed by two good and sufficient sureties, made payable to the County of Mendocino, in a penal sum equal to double the amount of the bid, and conditioned for the faithful performance of the work, should the contract be awarded to the bidder or bidders therein named. And said Board of Supervisors shall be the sole judges of the sufficiency of any bond that may be filed. But no contract shall be withheld, if the bidder or bidders shall tender other and sufficient bond.

SEC. 12. After any contract shall have been awarded, and bond approved and filed with the Clerk of the Board of Supervisors, said Board of Supervisors shall cause to be issued and delivered to the bidder or bidders, bonds equal to three fourths of the sum named in the contract awarded.

SEC. 13. All contracts awarded shall be signed by the bidder or bidders, and provide for the completion of the work within fourteen months from the day said contract is awarded, and in default thereof the covenants in said bond shall be deemed broken.

SEC. 14. The remaining one fourth of the money agreed to be paid upon the completion of any contract shall be withheld by

Surveys,
maps, and
field notes.

Duty of
Supervisors

Notice.

Contracts.

Contractor's bonds.

Payment of
contracts.

Partial
payments.

the said Board of Supervisors as further security for the faithful performance of the work agreed to be done by any bidder.

Full
payments.

SEC. 15. When any contract shall have been completed, the Board of Supervisors shall, within ten days after receiving notice thereof, examine the work, and if done in accordance with the contract, accept the same, and execute and deliver the balance of the bonds due to the bidder or bidders or their assigns.

Maximum
of grade.

SEC. 16. On all the roads named in this Act, except that one leading from the north end of Sink's toll road to J. W. Burk's dwelling, and that one leading from Ukiah City to Rice and Hoak's dwelling, the Board of Supervisors shall lay out and expend, or cause to be laid out and expended, the moneys provided to be laid out and expended on each of them by this Act, but all moneys shall be expended under contract, and all contracts shall be let to the lowest responsible bidder or bidders. All the roads shall be constructed during years eighteen hundred and seventy-two and eighteen hundred and seventy-three. No money shall be expended on any road the grade of which exceeds sixteen inches to the rod.

SEC. 17. This Act shall take effect and be in force from and after its passage.

CHAPTER CXXIII.

An Act to amend the Charter of the City of Los Angeles.

[Approved February 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Streets and
sidewalks.

SECTION 1. The Mayor and Common Council of the City of Los Angeles shall have power, upon the petition of a majority of the owners of real estate fronting upon any street or avenue of said city, or upon a vote of two thirds of the Common Council of said city, to open, widen, improve, grade, or cause to be improved or graded, such streets or parts of streets or avenues, and to make, repair, or improve the sidewalks or crosswalks of such streets by grading, paving, or planking such streets, sidewalks, and crosswalks, and of constructing sewers therein, and may make such improvement, grading, and repairs in such mode as shall be prescribed by the ordinances of said city, at the cost and expense of all such owners of real estate, in proportion to the number of feet fronting on such street or parts of streets owned by each one; and in case of sewers, in proportion to the number of feet through which the same may pass; and for all such costs and expenses the contractor under the city and the city shall have a lien upon the real estate so fronting upon said streets, and shall have power, by ordinance, to prescribe the mode and manner of collecting the same, or may collect the same as provided under the Mechanics' Lien Law of this State.

SEC. 2. The Mayor and Common Council of the City of Los Angeles shall have full and complete control and power over all zanjias, watercourses, water ditches, and canals within the city limits, excepting the rights, privileges, and franchises heretofore granted and now enjoyed by the Los Angeles City Water Company, and shall have power to take by purchase or otherwise land for the enlargement of the present zanjias, canals, watercourses, and ditches, to increase the number, and keep the same in repair, and in all cases to regulate the use of the same under such ordinances as the Mayor and Common Council shall prescribe; and *provided* further, that the privilege of water shall be extended to the Agricultural Fair Grounds, adjoining said city, to the same extent and under the like regulations as to other irrigators using the same.

Zanjias and
other water
facilities.

SEC. 3. The Mayor and Common Council shall have power to levy and collect such water rates, from time to time, as shall be prescribed by ordinance, as shall be deemed proper, from all persons using the water from such zanjias, canals, or water ditches, and shall have power to form districts and appoint all needful officers necessary to carry out the requirements of the ordinances of said city in relation thereto.

Water
rates.

SEC. 4. All moneys accruing from the collection of water rates shall be paid to the City Treasurer, who shall keep the same as a separate Fund, to be called the "Water Fund," and said Fund shall be exclusively used and appropriated to the management and use of improving and keeping the zanjias, canals, and water ditches in repair, and in defraying the necessary expenses incidental thereto. And the said Mayor and Common Council shall have power also to levy and collect a special tax of not exceeding one-fifth ($\frac{1}{5}$) of one per cent upon the assessed value, for State and county purposes, upon all real estate in said city on which the water is used for irrigating purposes, from any such watercourses, zanjias, canals, or water ditches, to be collected in the same manner as the other city taxes are now or may be prescribed by law, which Fund and taxes when collected shall also be paid to the City Treasurer, and be added to said "Water Fund," and shall be exclusively used and appropriated in like manner with such other funds as the city may appropriate for that purpose, and no other.

Water
Fund for
repairs and
improvements.

SEC. 5. The Mayor and Common Council of the City of Los Angeles shall have power to take and condemn land for public use, upon payment of a just compensation for the damages the owner or owners may sustain thereby; but in all cases, in ascertaining the damages or compensation, those ascertaining and determining the amount shall take into consideration the benefits and advantages such public use of the property would be to the owner of such land, and deduct the same, and find only the balance, if any shall exist, as the just compensation therefor.

Condemnation of
land.

SEC. 6. Whenever any person or persons are hereafter convicted of any misdemeanor in any of the Courts of the several Justices of the Peace in Los Angeles Township, or in the county limits of Los Angeles County, it shall be lawful, and said several Courts are each hereby empowered, in their discretion, to

Convict
labor on
public
works.

sentence such person or persons so convicted to perform labor on the streets or other public works of said City of Los Angeles, in lieu of solitary confinement in the County Jail of said county, as now provided by law. No such term of sentence shall, in any case, exceed the term now fixed for the punishment of misdemeanor under the law of this State; and said several Courts are hereby empowered to enforce all such judgments so rendered by them, which labor shall be performed by the person or persons so convicted and sentenced, as is now or may hereafter be prescribed by the ordinances of the said City of Los Angeles.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CXXIV.

An Act to provide for the support of schools in certain districts in Tehama County.

[Approved February 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duty of
County
Auditor.

SECTION 1. The Board of Supervisors of Tehama County must, at their first meeting after the passage of this Act, order the Auditor of said county to draw warrants upon the General Fund of said county—which warrants must be paid out of any moneys in such Fund not otherwise appropriated—in favor of the school districts, and for the sums specified in the next section; which warrants the Auditor must draw as he does other county warrants.

Warrants
for certain
school
districts to
be paid
from
General
Fund.

SEC. 2. A warrant in favor of the Tehama District for four hundred and fifty dollars; one in favor of the Stony Creek District for two hundred and fifty dollars; one in favor of the Lassen District for three hundred and fifty dollars; one in favor of the Live Oak District for two hundred and fifty dollars; one in favor of the Toomes District for two hundred and fifty dollars; one in favor of the Oak Creek District for three hundred and fifty dollars; one in favor of the Floyd District for three hundred and fifty dollars; one in favor of the Sanders' Bend District for three hundred dollars; one in favor of the Orion District for three hundred and fifty dollars; and one in favor of the Montgomery District for three hundred and fifty dollars.

Support of
schools.

SEC. 3. The warrants, or the proceeds of the sale thereof, must, by the Trustees of the district named, be applied to the present support of schools therein.

Tax.

SEC. 4. When the Board of Supervisors next levy the annual tax in said county, they must, in addition to all other taxes provided for by law, levy a tax upon the property in each of said districts sufficient to raise the amount above appropriated, together with interest paid on the warrants, and the amount so

SEC. 5. The Road Overseers shall cause all public roads within their respective districts to be kept clear of all obstructions, and in good repair, and shall cause to be constructed and kept in good and safe condition, bridges and causeways, and to carry out the provisions of this section shall have full power to contract for the labor and materials necessary to execute said work, subject to the limitations contained in section six of this Act.

SEC. 6. The Board of Supervisors shall at the time of levying the road tax make an estimate of the revenue to be derived therefrom, and shall designate the amount to be expended in each road district during that year; and the Road Overseers are authorized to expend the amounts appropriated to their respective districts in the manner directed by section four of this Act; *provided*, the Board of Supervisors may leave unappropriated out of the moneys to come into the Road Fund two thousand dollars, which sum shall be credited to the General Road Fund; and *provided* further, that nothing in this Act shall prohibit the Supervisors from making, at any regular or called meeting during the year eighteen hundred and seventy-two, the appropriations to the several road districts as in this section provided, of any moneys which may belong to the Road Fund of the county.

SEC. 7. Whenever any contract awarded under the provisions of this Act shall have been completed according to its terms, the Overseer awarding the same shall certify his approval and acceptance thereof to the County Auditor, who shall thereupon draw his warrant on the County Treasurer, payable out of the Road Fund, for the amount due under said contract, as certified by the Overseer.

SEC. 8. Road Overseers shall for each day that they may be actually and necessarily engaged in supervising the roads in their respective districts receive the sum of four dollars per day, to be paid out of the Road Fund of their respective districts. For services rendered by Supervisors as Road Overseers, under the provisions of section six of this Act, an account shall be made out in writing, stating the services rendered, and the time actually and necessarily occupied in their performance, which account shall be verified by an affidavit attached thereto. Upon presentation of said account to the County Auditor, he shall file the same in his office, and shall draw his warrant on the County Treasurer for the amount of said account; *provided*, that the amount paid under the provisions of this section to any Supervisor in any one year shall not exceed the sum of one hundred and fifty dollars.

SEC. 9. Road poll tax receipts in blank shall be delivered to the Tax Collector by the County Auditor, signed by the County Auditor and Treasurer.

SEC. 10. The Board of Supervisors, upon the presentation of a petition asking for a road to be laid out or altered in the county, or for a road to be laid out from the dwelling or land of any person to any public road, or from one public road to another, and designating the points therein, and generally the proposed location thereof, and the names of the parties owning or occupying the land over which the same is to pass, shall

cause notice to be given to such parties personally, if residents of the county, or if not, by publishing such notice in some newspaper printed in the county at least two months before the hearing of the same, which hearing shall be at the next regular meeting of the Board of Supervisors after said petition shall have been presented; *provided*, that the Supervisors may in their discretion order that the petitioner or petitioners pay the cost of such publication.

Surveyor to
view and
locate road.

SEC. 11. If upon the hearing of the petition the Board of Supervisors shall be of the opinion that the road is necessary, they shall direct the County Surveyor to view out and locate such road, and upon the incoming of the report of said Surveyor they shall declare the same to be a public road; *provided*, that before the opening or altering of any road as herein provided the Supervisors shall cause to be delivered to the owners or occupants of the lands on which the same is to pass, an Auditor's warrant upon the Road or the General Fund of the county for the amount of damages by them awarded; or if in the judgment of the Board of Supervisors said road will be of more benefit to the petitioner or petitioners than to the public at large, they shall make an order that the same shall not be opened or altered until the amount of damages by them awarded shall be paid or tendered to such owners or occupants of the land by the petitioner or petitioners.

damages.

SEC. 12. Any person or persons owning or claiming lands through or upon which it is proposed to locate a public road, and desiring to apply for damages in consequence of such location, shall make application in writing to the Board of Supervisors, on the day set for the hearing of the petition asking for the location of such road, wherein shall be set forth the particular road referred to, the amount and character of the land to be affected thereby, and other circumstances having relation to the subject of damages upon such land; *provided*, that the legal guardians of minors, idiots, and insane persons shall be authorized and required to take all the measures in the premises which may be required to fully protect their rights. Any person who fails to make application for damages within the time and in the manner specified in this section, shall be considered as waiving all claim for damages, and as dedicating the lands affected by the proposed location or alteration of said road to the public.

Waiver.

Benefits.

SEC. 13. In passing upon the claim for damages, the Supervisors shall take into consideration all the matters set up in the claim, and also the benefit to be derived by the claimant from the location of said road.

Action for
damages.

SEC. 14. Any person dissatisfied with the award of the Board of Supervisors shall, within three months from the date of filing the same, commence an action against the county in which said award shall have been made for the damages claimed by said person or persons, in any Court of competent jurisdiction, and if he fail to recover a sum greater than that awarded by the Board of Supervisors, shall pay the costs of such suit or suits.

San Luis
Obispo,
Town of.

SEC. 15. This Act shall not apply to or be in force in the Town of San Luis Obispo, in the County of San Luis Obispo, as the boundaries of said town are or may be defined by law; pro-

vided however, that nothing in this section shall exempt said town from the operation of section two of this Act.

SEC. 16. All Acts or parts of Acts in conflict with the provisions of this Act are repealed, and are hereby made inapplicable to the Counties of Santa Barbara and San Luis Obispo. Repealing.

SEC. 17. This Act shall take effect from and after its passage.

CHAPTER CXXIX.

An Act for the relief of S. R. J. Sturgeon, late District Attorney of Santa Barbara County.

[Approved February 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Santa Barbara County are hereby authorized and directed to audit the claims of S. R. J. Sturgeon, late District Attorney of said county, for office rent, and other incidental expenses incurred by him for the use of said county during the time he was District Attorney of said county, and to allow so much of said claim as may be just and equitable, not to exceed the sum of five hundred and twenty-five dollars; the amount allowed to be paid out of the General Fund of said county, in the same manner that other claims against the county are paid. Claim of
S. R. J.
Sturgeon.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CXXX.

An Act to legalize certain payments of money on account of the purchase of State school lands.

[Approved February 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All payments of money heretofore made to any County Treasurer, on account of the purchase of State school lands, under the provisions of the Act entitled "An Act to provide for the management and sale of the lands belonging to the State," approved March twenty-eighth, eighteen hundred and sixty-eight, whether such payments were made in the School land
payments
in wrong
counties.

proper county or not, are hereby legalized and made valid, and all certificates issued by the Surveyor General of the State upon such payments are ratified and confirmed, as if the payment had been made in the proper county; *provided*, that this Act shall not be construed to remedy any defect in any application, or the issuing of any certificate other than that of payment in the wrong county; *provided* further, that if any person has taken up lands, and made a home upon and cultivated them, either prior or subsequent to the paying for them in the wrong county, said payments shall not be legalized, and the settler shall be the preferred purchaser, and may enter and purchase the lands in accordance with the laws provided.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CXXXI.

An Act for the protection of fish in the waters of Butte Creek, in the County of Butte.

[Approved February 21, 1872.]

Preamble. WHEREAS, The upper waters of Butte Creek, in the County of Butte, from a point on said creek known as the Falls of Butte Creek, to the sources of said creek, have never heretofore contained any fish; and whereas, certain citizens of Butte County have at their own personal expense stocked the waters of said creek as described with mountain trout; now therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fish in
Butte
Creek.

SECTION 1. From and after the passage of this Act it shall be unlawful for any person to take fish from the waters of Butte Creek, in the County of Butte, above what is commonly known as the Falls of Butte Creek, and from thence up said creek to the several sources thereof, either by the use of hooks and lines, spears, nets, or seines of any description, or by any other means used or employed for the purpose of taking fish, for a period of three years from and after the passage of this Act.

Fine and
imprison-
ment.

SEC. 2. Any person who shall violate the provisions of this Act, shall upon conviction thereof before any Justice of the Peace in Butte County, pay a fine of not less than twenty nor more than fifty dollars, for each and every offense, besides the cost of prosecution.

Committal.

SEC. 3. Any person convicted as aforesaid, who shall neglect or refuse to pay the fine adjudged against him, together with the costs, shall be committed by the Justice of the Peace before whom such conviction may have been had, to the County Jail of Butte County, for a period not exceeding twenty-five days.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CXXXII.

An Act to confirm a certain contract for the sale of stock held by the County of Santa Clara in the Western Pacific Railroad Company, and to give effect to the same, and amendatory of an Act entitled an Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe one hundred and fifty thousand dollars to the capital stock of the Western Pacific Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April fourteenth, eighteen hundred and sixty-three.

[Approved February 21, 1872.]

WHEREAS, A certain resolution was made and entered on the Preamble. minutes of the Board of Supervisors of the County of Santa Clara on the twenty-seventh day of January, A. D. eighteen hundred and seventy-two, wherein and whereby a certain offer made by David D. Colton for the purchase of fifteen hundred shares of the capital stock of the Western Pacific Railroad Company, owned by said County of Santa Clara, was duly accepted by said Board of Supervisors; and whereas, a certain contract and agreement was, pursuant to said offer and resolution accepting the same, made and entered into on said twenty-seventh day of January, A. D. eighteen hundred and seventy-two, purporting to be between the aforesaid County of Santa Clara, party of the first part, and David D. Colton of the second part, for the sale, in the manner and upon the conditions therein mentioned, of the fifteen hundred shares of the capital stock of the Western Pacific Railroad Company, and being the same stock which is owned by the said county and subscribed for by her under and in pursuance of an Act of the Legislature of the State of California entitled an Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe one hundred and fifty thousand dollars to the capital stock of the Western Pacific Railroad Company, and to provide for the payment of the same, and other matters relating thereto, which Act was approved April fourteenth, eighteen hundred and sixty-three, which agreement is signed and executed by W. H. Patton, Chairman of the Board of Supervisors of the aforesaid County of Santa Clara, W. H. Hall, J. M. Battee, and S. J. Jameson, constituting the Board of Supervisors of the County of Santa Clara, as said Board for and on behalf of said county of the first part, and the said David D. Colton of the second part, therefore:

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the resolution entered upon the minutes of the Board of Supervisors of the County of Santa Clara, referred to in the foregoing preamble, and the agreement and contract also referred to in said foregoing preamble be and the same are in all things ratified and confirmed and declared valid and binding between the parties thereto. Ratification.

Amended. SEC. 2. Section fifteen of an Act entitled "An Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe one hundred and fifty thousand dollars to the capital stock of the Western Pacific Railroad Company, and to provide for the payment of the same, and other matters relating thereto," approved April fourteenth, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

Authority
of Super-
visors.

Section 15. The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other persons, to cast all votes representing the capital stock so subscribed by them during such time as said stock shall be owned and held by said county, and they shall, by order made for that purpose, have full power to sell, transfer, and assign said capital stock, or any part thereof, taken by them under the provisions of this Act, for such price and on such terms as they or a majority of them shall deem for the best interest of said county, for cash or on credit, or both; *provided*, that the whole amount of said stock shall not be sold for less than one hundred and twenty thousand dollars in gold coin of the United States of America.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CXXXIII.

An Act to amend an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

[Approved February 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-one of said Act is hereby amended so as to read as follows:

Salaries of
School
Superin-
tendents.

Section 21. The Superintendent of Public Schools in each and all of the several counties of this State shall be allowed for his services twenty dollars per annum for each school district, and all necessary traveling expenses, and he shall be allowed in addition to his salary, for postage and expressage, payable out of the County School Fund, a sum equal to fifty dollars; *provided*, that in the County of Siskiyou he shall receive such compensation as shall be provided by special Act; and *provided*, that in the counties hereinafter named he shall receive a salary as follows in full for all compensation: In the County of Sonoma, sixteen hundred dollars; in the County of Alameda, two thousand dollars; in the County of Santa Clara, eighteen hundred dollars, no fees; in the County of Tulare, five hundred dollars; in the Counties of Solano, Stanislaus, Merced, and Mariposa, six hundred dollars; in the County of Humboldt, four hundred dollars; in the County of Del Norte, one hundred

and fifty dollars; in the Counties of Kern and Marin, five hundred dollars; in the County of Sutter the Superintendent shall receive twenty dollars per annum for each school district, in full for all services required of him by law, payable out of the County General Fund. In the counties hereinafter named the Superintendent of Common Schools shall receive, in full compensation for all services, an annual salary, payable out of the County General Fund, as follows: In the County of Contra Costa, seven hundred and fifty dollars; in the County of Santa Cruz, six hundred dollars; in the Counties of Monterey and Los Angeles, four hundred dollars; in the County of Yolo, eight hundred dollars; he shall also be allowed, in addition to his salary, for postage and expressage, payable out of the County School Fund, the sum of one dollar per annum for each school district. In the County of Nevada the Superintendent shall receive an annual salary of one thousand dollars and his necessary traveling expenses, payable out of the General Fund in the same manner as other salaried officers are paid. In the County of Butte, eight hundred dollars in full for all compensation. In the County of San Diego, one hundred dollars per annum, in full for all services required of him. The Superintendent of Common Schools in the Counties of Fresno, Lake, Merced, Stanislaus, San Luis Obispo, Santa Barbara, and Napa shall receive such compensation as may be allowed by the Board of Supervisors of said counties, to be paid out of the County General Fund. In the County of Placer the Superintendent of Common Schools shall receive an annual salary of twelve hundred dollars, together with his necessary traveling expenses, payable out of the County General Fund in the same manner as other salaried officers are paid.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. Repealing.

SEC. 3. This Act shall take effect and be in force from and after the first Monday in March, A. D. eighteen hundred and seventy-two.

CHAPTER CXXXIV.

An Act to regulate the traveling fees of the Sheriff of the County of Kern.

[Approved February 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the County of Kern, the Sheriff shall receive Fees. for traveling the fees hereinafter specified: For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, motion, rule, order, subpoena, attachment on property, to levy an execution, to post notices

Same.

of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in executing a writ of habeas corpus, for each mile necessarily traveled, in going only, forty cents; *provided*, that if any two or more papers require to be served in the same suit at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service. For every mile necessarily traveled, in going only, in executing any warrant of arrest, subpoena, or venire, bringing up a prisoner on habeas corpus, taking prisoners before a magistrate or to prison, or for mileage in any criminal case or proceeding, fifty cents; *provided*, that in serving a subpoena or venire, when two or more witnesses or jurors live in the same direction, but one mileage shall be charged.

Repealing.

SEC. 2. All Acts and parts of Acts, so far as they relate to Kern-County, in conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CXXXV.

An Act to provide for the location, construction, and maintenance of public roads and highways in the County of Placer.

[Approved February 24, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Roads and trails.

SECTION 1. All public roads and trails in the County of Placer which may hereafter be located in accordance with the provisions of this Act are hereby declared public highways.

Supervisors
ex officio
Road
Supervisors

SEC. 2. The Supervisors of the several Supervisor districts in the County of Placer shall be ex officio Road Supervisors of their respective districts, and they are hereby authorized and empowered to have general supervision of the public highways in said districts, and shall personally examine and inspect all the public roads and trails of their respective districts at least once in each quarter, and at the first regular meeting after such examination and inspection shall report in writing to the Board of Supervisors the condition of the highways in their said districts.

Road
districts
and Road-
masters.

SEC. 3. Each township of Placer County is hereby declared to be a road district of said county; *provided*, the Board of Supervisors may, whenever they deem it necessary, subdivide a township into two or more districts. The Board of Supervisors of said county shall, at their regular meeting in February of each year, appoint one Roadmaster for each road district of said county, who shall hold such office for the term of one year from the first Monday in March after their appointment; *pro-*

vided, said Board may remove any Roadmaster from office at same any time, for good cause shown. Each Roadmaster shall be a resident citizen and taxpayer of the road district for which he is appointed. It shall be the duty of the Clerk of the Board of Supervisors to issue to the person or persons so appointed a certificate of such appointment, and each of them shall within fifteen days thereafter qualify, by taking the oath of office and filing with the Clerk of the Board a good and sufficient bond in the penal sum of one thousand dollars, to be approved by the County Judge and conditional for the faithful performance of his duties as such Roadmaster. All vacancies in the office of Roadmaster shall be filled by the Board of Supervisors.

SEC. 4. It shall be the duty of the Roadmaster of the several road districts appointed by the Board of Supervisors, in February, eighteen hundred and seventy-two, immediately after entering upon their duties as such Roadmasters, to examine and inspect all roads and trails at that time used as public highways in their said districts, and shall, at the regular meeting of the Board of Supervisors in May, eighteen hundred and seventy-two, report to said Board, in writing, a description of all such roads and trails; such description shall state distinctly the point of beginning; course, terminus, and general character of each of said roads and trails, and shall also report which, if any, of said roads and trails in his judgment should be declared public highways.

SEC. 5. The Board of Supervisors shall, at their regular meeting in February, eighteen hundred and seventy-two, procure a suitable book, to be designated as Record Book of Roads and Highways, in which shall be recorded all proceedings had by them in regard to roads and highways in Placer County, and which said book shall be open to the inspection of any taxpayer of the county, and a copy of any proceedings so recorded in said Record Book, certified by the Clerk of the Board of Supervisors, under seal, shall be taken in evidence in any Court, and any person shall be entitled to receive from the Clerk of said Board a certified copy of any order or proceeding contained therein, upon payment to said Clerk the fees allowed by law to the County Recorder for certified copies of papers.

Record
Book of
roads and
highways.

SEC. 6. The Board of Supervisors shall, at their regular meeting in May, eighteen hundred and seventy-two, examine and inspect the reports of the Roadmasters of the several road districts, and shall determine and declare, by an order entered in the Record Book of Roads and Highways, what roads and trails in Placer County heretofore used as public highways shall be public highways, and which said order shall state distinctly the beginning, general course, and terminus of such roads and trails, and such roads and trails so declared shall be and they are hereby declared and dedicated as public highways.

Reports of
Road-
masters.

SEC. 7. It shall be the duty of each Roadmaster to have charge of the public highways in his district, to maintain and keep in repair all public roads, trails, and bridges in his district, and none other; *provided*, the expense of such maintenance and repairs shall in no year exceed the amount of money in the Road Fund of his district collected for said year. He shall cause suitable guideboards to be erected at the junction of important

Powers and
duties of
Road-
masters.

Same. roads and trails. He may, with the consent and approval of the Road Supervisor of his district, make contracts for the building of bridges, purchase of materials and lumber, for any necessary work on the highways of his district, and shall perform such other service in the construction, repair, and maintenance, and opening of new roads and trails, as may be required by any order or ordinance of the Board of Supervisors; but there shall not be expended in any road district, during any year, more money than is collected for said district during such year. Any Roadmaster, or person in his employ, shall have the right to make use of any ground, dirt, or timber, for improving the public highways, which may be necessary, from any adjacent unimproved lands, and if damages be claimed they shall be ascertained and awarded in the same manner as is provided in this Act for ascertaining and awarding damages for laying out new roads and trails.

Sworn
statements
required.

SEC. 8. At each regular meeting of the Board of Supervisors each Roadmaster shall present to the Board a sworn statement of the amount of materials obtained, the amount of contracts, and with whom they were made; the number of days and parts of days' service by him actually and necessarily performed, the character and kind of work done, the portion of the roads repaired, and the nature of such repairs; the number of persons employed, and the length of time each has labored in making repairs; and shall at the expiration of his term of office account for, and deliver to his successor in office, all tools and implements of every kind and description belonging to his district, taking a receipt therefor, which receipt shall be filed with the Clerk of the Board of Supervisors; and in payment for all services performed under the provisions of this Act, he shall be allowed such sum as the Board of Supervisors may deem just, not to exceed three dollars per day.

Board of
Supervisors

SEC. 9. The Board of Supervisors of the County of Placer shall have the power to alter or discontinue any public highways hereafter laid out, or to lay out any new road or highway, or to purchase any toll road and dedicate the same to public use in the County of Placer, and may take and appropriate the lands and improvements of private persons for that purpose, upon making just compensation therefor in the manner hereinafter provided.

Petitions
relating to
roads and
trails.

SEC. 10. Application for the laying out of a new public road or trail, or for the alteration of a public road or trail already established, shall be made by petition of at least ten residents, taxpayers of the district in which said road or proposed road is situated, in writing, to the Board of Supervisors, at a regular meeting of said Board, and shall designate plainly the beginning, general route, and termination of such proposed new road or alteration of a road; but no petition shall be considered unless it be accompanied by an affidavit of one or more of the petitioners, stating that all the parties occupying and all the parties owning land along the line of the proposed road or trail have been duly notified by a written notice served on them personally, or left at their place of residence, of the time and place when such petition will be presented to the Board of Supervisors, and further stating that such notice had been

served at least ten days before the meeting of said Board at which said petition is to be presented; *provided*, that when the owners of any land over which it is proposed to locate a public road or highway are unknown, it shall be sufficient that the affidavit state that the parties occupying the same have been duly notified.

SEC. 11. At the meeting designated in the notice referred to in the preceding section, the Board of Supervisors may proceed to hear all objections to the proposed road or trail, or alteration of roads or trails, or they may, in their discretion, defer action upon the petition to such time as they may appoint, after having heard and considered the objections to the proposed road or trail or alterations. The Board of Supervisors shall, if they deem such proposed road, trail, or alterations necessary, issue an order of location, and appoint two disinterested persons to act as Viewers, and may, in their discretion, direct the County Surveyor to make an accurate survey thereof, under the direction of said Viewers, who shall report the proposed alterations or location of such roads or trails; a correct plat and description of which, together with a report in writing of the quantity, character, and quality of land taken by the proposed road or trail from the several owners or occupants on the route thereof, shall be returned to the Board within the time specified in the order of location. Viewers and Surveyor.

SEC. 12. Any person claiming damages for the opening of any new road or trail, or the alteration of any road or trail under the provisions of this Act, must, within ten days after the filing of the report of the Viewers as provided in the preceding section, file with the Board of Supervisors a statement in writing, setting forth the amount and nature of the damages claimed. The Board of Supervisors, after hearing any competent [witness] or evidence that either the petitioners for the proposed road or trail, or the person or persons claiming damages may offer, shall thereupon assess and award such damages as to them may seem just and equitable, and shall, by an order entered in the Record Book of Roads and Highways, direct the Roadmaster of the district in which such proposed road or trail will be situated to tender to the party or parties to whom such damages have been awarded the full amount so awarded; and it is hereby made the duty of the County Auditor to draw his warrant on the Road Fund of such road district for the amount of such damages. If all the parties claiming damages shall accept the amount as awarded by the Board of Supervisors, the Roadmaster shall certify the same to the Clerk of the Board, who shall enter the same in the Record Book of Roads and Highways, and it shall be the duty of the Roadmaster to lay out and open such road or trail, or alteration of a road or trail, in accordance with the report of said Viewers as herein-after provided. At any time within thirty days after the tender of the award made by the Roadmaster, any person refusing to accept the same may commence an action against the county, in his or her name, before any Justice of the Peace of the township in which such proposed road or trail will be situated, for Claims for damages. Awards. Appeal.

the assessing of such damages. Said Justice shall, upon the commencement of such action, set a day, not less than ten nor more than twenty days thereafter, for the hearing of such action, and shall summon a jury of twelve persons competent to act as jurors in the trial of a civil action. The Justice shall also, upon the commencement of such action, notify the Clerk of the Board of Supervisors and District Attorney of the commencement of such action and the time set for hearing the same, which shall be sufficient notice to the county. Immediately upon the receipt of such notice, the Clerk of the Board of Supervisors shall make out a certified transcript of all the proceedings had before the Board of Supervisors in the case at issue, and forward the same to the Justice before whom the action is pending; which said transcript shall be filed and used as evidence in the case. The District Attorney, or any person appointed by him or by any of the petitioners for the proposed road or trail, may appear for the county. The proceedings shall be conducted in manner and form as the trial of a civil action before a Justice of the Peace. On the part of the county, evidence may be introduced to show the benefits and advantages of said road or trail to the plaintiff. The jury shall, by their verdict, assess and determine the damages to which the plaintiff is entitled; which verdict shall be conclusive and final; *provided*, no action shall be commenced before any Justice of the Peace against the county for damages under the provisions of this Act until after the person claiming such damages shall have filed with the Justice a good and sufficient bond in the penal sum of three hundred dollars, conditioned for the payment of all costs and expenses of suit, if the amount recovered does not exceed the amount of damages awarded by the Board of Supervisors; and *provided* further, that if such action is not commenced within thirty days from the tender of the damages awarded by the Board of Supervisors the party or parties claiming such damages shall be deemed to have dedicated the land or improvements proposed to be taken and used for such road or trail as a public highway.

Verdict of jury.

Opening of roads or trails.

SEC. 13. Upon satisfactory proofs being shown that the full amount of damages assessed has been tendered to the parties to whom the same is due, the Board of Supervisors may declare the proposed road or trail, or alteration of a road or trail, to be a public highway in accordance with the report of the Viewers, and order the same opened immediately, or at such time as they may direct. If, in the opinion of the Board of Supervisors, a deviation in the route proposed in the petition be expedient, they shall direct the Viewers to make such deviation, and such view or survey of such road or trail as changed by order of said Board of Supervisors shall be returned to them within a given time specified in said order of change, and the Board may immediately upon the return of said view or survey, or at such time thereafter as they may deem proper, declare the route as viewed in accordance with the petition, or the route as changed under their direction, to be a public highway; *provided*, that when any proposed deviation from the route set forth in the petition shall place the road or trail upon lands owned or occupied by persons who have not been notified thereof, no

action shall be taken by the said Board until at least ten days after the proper notification has been served upon such persons.

SEC. 14. Private roads may be established by the Board of Supervisors in the same manner as prescribed in this Act for the establishing of public highways; *provided*, a petition of one person will be sufficient; and *provided* further, that all damages assessed for the opening of such private roads shall be paid by the party petitioning for the same. Private roads. 1

SEC. 15. All public roads established under the provisions of this Act shall be made to conform to section lines as near as possible, and shall be sixty feet in width, except in towns and villages, where they may be made to conform to the streets and alleys therein. All public trails shall be four feet in width, and the width of any private road shall not exceed forty feet. Width.

SEC. 16. The Board of Supervisors may vacate or discontinue any public highway when, in their opinion, the same shall have become useless or burdensome, by an order to that effect duly entered in the record book of roads and highways. Abandonment.

SEC. 17. The Board of Supervisors shall have authority, whenever in their judgment the public interest so requires, to contract for and purchase any or all of the toll roads in the County of Placer, and pay for the same in the manner herein-after provided. Purchase of toll roads.

SEC. 18. The Board of Supervisors shall levy annually at the regular meeting of the Board in February, or at any meeting thereafter, a road poll tax of two dollars for the current road year; *provided*, the same be paid between the first Monday of March and the first Monday in August, but if not paid prior to the first Monday in August, it shall be three dollars on all persons in Placer County subject to pay a State poll tax; and shall cause proper blank road poll tax receipts to be prepared of a uniform appearance, which shall be numbered consecutively and signed by the Chairman of the Board, who shall thereupon deliver the same to the County Auditor, who shall countersign the same, and indorse upon them the road district in which they are to be sold, and shall issue to the several District Tax Collectors such number of said receipts as may be needed by them, taking their receipts therefor. Road poll tax.

SEC. 19. It shall be the duty of the several District Tax Collectors of the County of Placer to proceed to collect the said road poll tax in their respective districts on the first Monday in March of each year, and shall continue to collect and enforce the collection of said tax from all residents of said districts liable to pay such tax while any of said tax remains unpaid. If any person liable to pay such tax shall neglect or refuse to pay the same on demand, the said Tax Collector shall proceed to collect the same in the same manner as is provided by law for the collection of State poll taxes. Collection.

SEC. 20. Upon the payment of a road poll tax the District Tax Collector shall deliver to the person paying such tax a receipt as furnished to him by the County Auditor, and signed by the said Tax Collector. Any Tax Collector who shall give any receipt for such tax other than the one prescribed in this Act, or receive money without giving the necessary receipt, or who shall insert more than one name in the receipt, or shall Road poll tax receipts.

furnish or give to any person a receipt which does not have the number of the district in which such person resides indorsed thereon by the Auditor, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars for each offense, one half of such fine to be paid to the person procuring such conviction, and the other half into the County Road Fund.

Employ-
er's duties
and
liabilities.

SEC. 21. The Tax Collectors shall have the right to demand of any firm, corporation, or person having residence of his district in their or his employ, a complete and correct list of the names of all such persons so employed by him or them. Any such firm, corporation, or person refusing or neglecting to give such list, when demanded by the Tax Collector, shall be liable to a fine of not less than fifty nor more than two hundred dollars, to be recovered by action before a Justice of the Peace in the name of the People. All fines collected under the provisions of this section shall be paid into the County Treasury, and placed to the credit of the County Road Fund.

Statement
of Tax
Collector.

SEC. 22. On the first Monday of each month the Tax Collector shall deliver to the County Auditor a statement in writing, under oath, of the number of road poll taxes collected by them in each road district during the last preceding month. The County Auditor shall apportion the amount of road poll taxes collected in each district to the several Road Funds of said districts, less ten per centum on all two-dollar road poll taxes sold, and fifteen per centum on all three-dollar poll taxes sold, which amounts are hereby allowed to the Tax Collectors as fees for collection, and shall furnish to the Tax Collectors a statement of such apportionment. The Tax Collector shall thereupon present such statement to the County Treasurer, and pay him the amount of money as shown by such statement. The County Treasurer shall deliver to said Tax Collectors duplicate receipts for the money thus paid, one of which receipts shall be filed with the County Auditor. On the first Monday in August the Tax Collectors shall return to the Auditor all the two-dollar road poll tax receipts by them received and not sold, and shall at the same time receive from the Auditor a sufficient number of three-dollar poll tax receipts to enable them to collect taxes from every person in their district subject to pay such poll tax. On the first Monday of March in each year each Tax Collector shall return to the County Auditor all road poll tax receipts then remaining in his hands, and the County Auditor shall then and there make a final settlement with the Tax Collectors for all road poll tax receipts delivered to them.

Settlement.

Apportion-
ment of
money.

SEC. 23. The County Treasurer shall place to the credit of each road district all moneys received by him as apportioned by the County Auditor, and shall pay out the same on the warrant of the County Auditor, which warrants shall be based upon allowances made by the Board of Supervisors. It shall be the duty of the County Treasurer on the first Monday in March of each year to transfer all moneys remaining in any of the District Road Funds, after all outstanding demands against

the same have been paid, into a Fund to be called the County Road Fund.

SEC. 24. At the time of making the levy of State and county taxes of each year, the Board of Supervisors of the County of Placer may, if in their judgment it is advisable, levy a property tax in any one or more of said road districts, not to exceed twenty-five cents on each one hundred dollars worth of taxable property in such district, for road purposes, which shall be levied, assessed, and collected as other taxes are levied, assessed, and collected, and when paid into the treasury shall be apportioned to the several Road Funds of the road district in which such tax was collected. Levy of property tax.

SEC. 25. Whenever the Board of Supervisors shall levy a property tax for road purposes in any one or more of the road districts, it shall be the duty of the District Assessors of the district or districts in which such road districts are situate, to designate on the assessment roll of his district the road district in which the property assessed thereon is situated, and it shall be the duty of the County Auditor to carry out the amount of tax so levied for road purposes in the several road districts opposite the names of the owners or the description of such property. Assessment roll.

SEC. 26. Upon the purchase of any toll road the Board of Supervisors may direct a warrant to be drawn, payable out of the County Road Fund, for the price thereof, and said warrant shall be paid by the County Treasurer; but if there be not sufficient money in said County Road Fund to pay the full amount thereof, he shall pay whatever money there may be in said Fund, indorsing the amount on said warrant and taking the receipt of the holder or owner thereof for the amount paid, and until the full amount of said warrant shall be paid all money coming into said Fund shall be set apart for its payment. Payments for toll roads purchased.

SEC. 27. If any person shall obstruct any public highway in the County of Placer by felling any tree across the same, or by placing any obstruction thereon, or digging or cutting any ditches, or making any excavations under or across any public highway, or obstruct the crossing of any ford, or shall willfully destroy any bridge or causeway, or cause to be removed any plank or timber therefrom, or cut down or injure any tree planted or growing as a shade tree in any public highway, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than twenty nor more than five hundred dollars, in the discretion of the Court, which fine when collected shall be placed in the Road Fund of the district in which such misdemeanor was committed. Protection of highways; penalty.

SEC. 28. The Road Supervisors of the several districts shall be allowed in compensation for the services required of them under this Act five dollars per day for each day that they are necessarily employed in the discharge of their duties as such officers; *provided*, such per diem shall not exceed in any one year the sum of two hundred dollars, and the same shall be allowed and paid out of the County General Fund of the county. Compensation of officers.

SEC. 29. In case of an action before a Justice of the Peace for the assessing of damages as provided in this Act, and said damages are assessed by the jury at a greater sum than that

Damages
on appeals.

awarded by the Board of Supervisors, the costs of such action shall be certified to the Board of Supervisors by the Justice before whom the action was had, and the Board at their first regular meeting thereafter shall order a warrant drawn on the proper Road Fund for the amount of such costs.

SEC. 30. All Acts and parts of Acts conflicting with the provisions of this Act, so far as relates to the County of Placer, are hereby repealed.

SEC. 31. This Act shall take effect and be in force from and after its passage.

CHAPTER CXXXVI.

An Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes and provide for the payment of the same.

[Approved February 24, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Completing school house.

SECTION 1. For the purpose of completing the school house and improving the grounds upon which the same is located, of Woodland School District, in Yolo County, the Board of Trustees of said school district are hereby authorized to borrow money, not to exceed the sum of eight thousand dollars, in gold coin of the United States, at a rate of interest not to exceed ten per cent per annum, payable annually on the first day of January of each year until paid, at the office of the Treasurer of Yolo County.

Certificate of indebtedness.

SEC. 2. Upon the payment into the County Treasury of Yolo County of the amount of the loan the Board of Trustees of Woodland School District are hereby authorized to issue certificates of indebtedness in the name of the said district for the amount so loaned, payable on or before the first day of January, one thousand eight hundred and seventy-seven, at the rate of interest agreed upon, not to exceed ten per cent. Said certificates shall be signed by the Board of Trustees, or a majority of them, and countersigned by the Superintendent of Common Schools of Yolo County, and shall be in sums of not less than one hundred dollars nor more than five hundred dollars each, and not to exceed eight thousand dollars in the aggregate. Said certificates shall be a lien upon all property in the said Woodland School District until paid.

Interest tax.

SEC. 3. For the purpose of paying the interest on the debt contracted as provided in this Act and providing for payment of the principal, the Board of Trustees of said Woodland School District are hereby required, and it is made their duty annually, in the month of March, to levy a special tax upon all the property in said district, of not less than twenty cents on each hundred dollars nor more than thirty cents on each hundred dol-

lars of taxable property in said district, which tax shall be assessed and collected as herein provided, and shall be paid into the County Treasury, and be by the County Treasurer set apart and constitute the "Woodland School District Redemption and Interest Fund." The County Treasurer out of this Fund shall each and every year, on the first of January, pay the interest that has accrued and pay the balance remaining on the principal of the loan.

SEC. 4. Within ten days after the passage of this Act the Trustees of the said Woodland District shall call a special election for the purpose of electing a District Assessor and a District Collector, which election shall be governed by the laws relating to elections. At least ten days notice shall be given of such election, by posting notices in at least three public places in said district. The officers elected at such special election shall hold their offices for the term of two years, when their successors shall be elected by the votes of said Woodland District. The Assessor shall give bond in the sum of five hundred dollars, and shall receive for his services such compensation as the Board of Trustees may allow, not to exceed twenty dollars. The Collector shall give a bond for the faithful discharge of his duties, in such sum as the Trustees may designate, but which shall not be less than one thousand dollars; he shall receive such compensation as the Board of Trustees may deem just, not exceeding one per cent on each dollar collected. Nothing in this shall prevent the same person acting both as Assessor and Collector. The officers shall be governed by the laws in force for the collection of State and county taxes. The Board of Trustees shall sit at least three days as a Board of Equalization, after giving five days notice of such meeting by posting at least three notices in public places.

Special
election for
Assessor
and
Collector.

SEC. 5. The money paid into the Treasury under the second section of this Act shall be kept by the Treasurer as a separate Fund, known as the "Woodland School District Building Fund," and shall pay the same out upon the orders of the Board of Trustees, when such orders have been countersigned by the County Superintendent of Common Schools of said County of Yolo.

Woodland
School
District
Building
Fund.

SEC. 6. The Board of Trustees of said Woodland School District, before allowing any bills for the completion of the school house and improvement of the premises, shall submit the same to the person acting as County Judge, to the Superintendent of Common Schools, and the District Attorney of said county of Yolo, who are hereby constituted a Board of Examiners for the purpose of examining such bills. If the said Board of Examiners approve of the bills presented, they shall indorse their approval thereon, when the Board of Trustees shall draw their order on the County Treasurer, payable out of the "Building Fund;" and no order shall be drawn for any bill or account unless it have the approval of the said Board of Examiners or a majority of them.

Board of
Examiners.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CXXXVII.

An Act to provide for the liquidation of certain bonds of the City of Sacramento.

[Approved February 24, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Water
Bonds.

SECTION 1. The holders of the following Water Bonds of the City of Sacramento, issued to John Kirk, viz: Number one hundred and ninety-nine, for one thousand dollars, dated April seventeenth, eighteen hundred and fifty-four; numbers two hundred and thirty-four, two hundred and thirty-five, two hundred and thirty-six, two hundred and thirty-seven, two hundred and thirty-eight, two hundred and thirty-nine, and two hundred and forty, for one thousand dollars each, dated May fourth, eighteen hundred and fifty-four, may present the same to the Board of Trustees of the City of Sacramento; and said Board shall issue to said holders other bonds, as provided in this Act, in payment for the bonds presented, and the interest due on the same on the first day of January, eighteen hundred and fifty-nine.

Issue of
bonds.

SEC. 2. The said bonds shall be issued payable to the bearer on the first day of February, one thousand nine hundred and three, which bonds shall be dated May first, one thousand eight hundred and sixty-four, and bear interest from the first day of January, one thousand eight hundred and fifty-nine, at six per cent per annum, payable annually, on the first day of January, at the office of the City Treasurer. Said bonds shall not be for less than one hundred dollars, and shall have coupons for the annual interest attached; and coupon number one shall be for the interest due on the bond to which it is attached, for the term of six years, and payable on the first day of January, eighteen hundred and sixty-five. Said bonds shall be signed by the President, and countersigned by the Clerk of the Board of Trustees, and the seal of the city attached; and the coupons shall be numbered to correspond with the bonds, and signed by the City Treasurer.

Coupons.

Record.

SEC. 3. The Clerk of the Board of Trustees shall keep a record of all the Water Bonds presented under the provisions of this Act, and shall indorse on each bond presented, the date of its reception, from whom, and the number and denomination of the bond or bonds issued for the same, and such bond shall be canceled and preserved in the office of said Clerk.

Payable
and re-
deemable.

SEC. 4. Said bonds and coupons when issued, shall be payable and redeemable in the same manner and out of the same Fund as the bonds issued by virtue of an Act of the Legislature of the State of California entitled "An Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled an Act to incorporate the City of Sacramento and the several Acts amendatory and supplementary thereto, and to incorporate

the City and County of Sacramento," approved April twenty-fourth, eighteen hundred and fifty-eight.

SEC. 5. This Act shall take effect immediately.

CHAPTER CXXXVIII.

An Act creating a Board of Education for the City of Los Angeles, and authorizing the Common Council of that city to issue bonds for a special School Building Fund.

[Approved February 24, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The public schools of the City of Los Angeles shall hereafter be managed and controlled by a Board of Education, to be composed of five members, and said Board shall be constituted as follows: The three Trustees now in office in said district shall be members of said Board of Education, and shall constitute the entire Board until the next regular charter election in said city, at which election two additional members of said Board shall be elected in the same manner as is prescribed for the election of other city officers, and the two members so to be elected shall hold office for the term of two years thence next ensuing, and until their successors are elected and qualified. The three first named members shall hold office for one year next ensuing said election, and until their successors are elected and qualified. The said Board of Education shall, in addition to the powers now conferred upon School Trustees, have power to draw directly upon the City Common School Fund for the payment of the current expenses of the common schools of the city, and they may delegate to any teacher of the public schools of the city such of their powers and duties in relation to the interior management of said schools as they in their discretion shall deem proper. At their first meeting after the said Board is filled by the election of the two additional members, they shall elect a President and Secretary from among their number of said Board.

Los Angeles
public
schools.

Powers of
Board of
Education.

SEC. 2. At each apportionment of the State and County School Funds hereafter made by the Superintendent of Common Schools of Los Angeles County, the Treasurer of said county shall pay over to the Treasurer of the City of Los Angeles all moneys apportioned to said city for school purposes, which, with all other moneys received by the City Treasurer for school purposes from any source whatever, shall be consolidated into one Fund, to be designated the Common School Fund of the City of Los Angeles. The State apportionment of said Fund to be kept separate so as to be used only in payment of teach-

Apportion-
ment.

ers' salaries. Said Common School Fund of the City of Los Angeles to be held by the City Treasurer, subject to the orders of the Board of Education, for school purposes. The County Treasurer of the County of Los Angeles shall pay over to the City Treasurer all moneys he may have on hand belonging to the School Fund which now belong by apportionment to the City of Los Angeles as a school district.

Taxes. SEC. 3. The Board of Education, at the close of each fiscal year, shall submit to the Common Council of said city a written statement of the amount of money on hand for school purposes, and the amount that will probably be required for the maintenance of a public school for a period of ten months, over and above the amount to be received from the State and county apportionments for the ensuing fiscal year, and said Common Council shall levy and collect a tax sufficient to raise such amount in the same manner as other city taxes are collected, and shall cause the same to be paid into the Common School Fund of the city.

Bonds. SEC. 4. The Common Council of the City of Los Angeles is hereby authorized to cause to be prepared, and to issue in behalf of said city, suitable bonds, not exceeding in all the sum of twenty thousand dollars, bearing interest from the date of their issue until paid at a rate not to exceed ten per centum per annum, of the denomination of five hundred and one thousand dollars, with coupons for interest attached, which bonds shall be made payable at the office of the Treasurer of the City of Los Angeles on or before the first day of May, one thousand eight hundred and eighty-two, and the interest on said bonds shall be made payable by the Treasurer of said city, at his office, on the first day of May of each year, on presentation of the respective coupons therefor. Every bond so issued shall be signed by the Mayor of the city and the President of the Common Council, and shall have the corporate seal of the city stamped thereon, and shall purport that the City of Los Angeles owes the holder thereof the sum named in the bond, payable and bearing interest as aforesaid. The coupons for interest shall be signed by the City Treasurer. The Clerk of the Common Council of said city shall keep a register of the amount of blank bonds received, and the amount of each bond issued, its number, and when payable.

Denomination.

Register.

Bonds, how sold. SEC. 5. The Mayor and Common Council of said city shall cause the bonds issued by them to be sold in such manner as they shall by ordinance provide, and they shall pay over to the Treasurer of said city all proceeds thereof, and the same shall be set apart as a special School Building Fund, which the Treasurer shall pay out only upon warrants drawn by the Common Council and audited by the Building Committee, for work and material upon a public school building to be located by the Mayor, Common Council, and City Board of Education within the limits of the City of Los Angeles.

Tax for principal and interest. SEC. 6. For the payment of the principal and interest of said bonds, it shall be the duty of the Common Council of said city to cause to be levied and collected annually a tax of fifteen cents on each one hundred dollars worth of real and personal property in said city. The amount so raised shall be applied,

first, to the payment of the interest on said bonds, and the remainder shall be applied exclusively to the liquidation of the principal of said bonds. The Fund thus raised shall be known as the Interest and Sinking Fund of the year one thousand eight hundred and seventy-two. The said tax shall be levied, collected, and appropriated as herein directed until said bonds are all redeemed.

SEC. 7. Whenever on the first day of May of any year, after the payment of the interest as herein provided for, there shall remain in the Interest and Sinking Fund a surplus of five hundred dollars or more, it shall be the duty of the Treasurer of said city to advertise, for four weeks in a newspaper published in said city, for sealed proposals, to be opened one week after the expiration of said publication by the said Treasurer, in the presence of the Common Council, in open session thereof, for the surrender of bonds issued under this Act. Said advertisement shall state the amount of money in the hands of the City Treasurer for the purpose of redemption, and shall require all proposals to be accompanied with good and sufficient security that the same shall be carried out, within ten days after their acceptance, the class and form of which security being prescribed by the City Treasurer, Mayor, and Common Council. When said proposals are opened the Common Council shall accept the lowest, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the cash on hand for redemption is exhausted.

SEC. 8. Immediately after any bonds have been redeemed as herein provided, the Clerk of the Common Council of said city, under the direction of the Mayor, shall make an official record of the number of said bonds so redeemed, to whom issued, and when redeemed, and for that purpose the City Treasurer shall exhibit said bonds to the Mayor and shall permit him to deface the same in the presence of the Common Council in such manner that neither bonds or coupons can again be put in circulation.

SEC. 9. The Board of Education of the City of Los Angeles shall be a Building Committee for the erection of said public school building; but shall receive no compensation for services as such. Immediately after the passage of this Act the Building Committee shall invite proposals for plans and specifications for said school building, to be accompanied with bids for the construction of the same. Said Building Committee shall advertise for one month, in a newspaper published in the City of Los Angeles, for sealed proposals for the erection of said school building, each proposal to be accompanied with such guarantee as the committee may require that the bidder will enter into good and sufficient bond for the execution of his contract according to his specifications and plans. On the day mentioned in the notice the Building Committee shall proceed to open the sealed proposals filed with them and to consider the same, and they shall award the contract to such responsible bidder as shall offer to construct the said school building on the most favorable terms for the city. The Building Committee shall have power to reject any and all bids offered. When they shall have accepted a bid and adopted a plan and specifications

they shall immediately proceed to enter into contract with the successful bidder for the construction of said public school building in accordance with their notice, on such terms as to payments and with such bond for the faithful performance of the work as the committee shall have embraced in their notice.

Appropriation for bonds.

SEC. 10. The Common Council of the said city is hereby authorized and required to set aside a sum not exceeding five hundred dollars of the first cash paid into the City Treasury, to the credit of the Cash Fund, which sum shall be appropriated to pay the expenses incurred in preparing said bonds; and any officer of said city who shall willfully neglect or refuse to comply with the provisions of this Act shall be deemed guilty of a misdemeanor in office, and be fined in a sum not less than two hundred nor more than five hundred dollars, to be recovered before any Court of competent jurisdiction, and paid into the Common School Fund of said city.

Repealing.

SEC. 11. All laws in conflict with the provisions of this Act are hereby repealed.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAPTER CXXXIX.

An Act to provide for the payment of certain claims against Lake County.

[Approved February 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claims to be presented.

SECTION 1. All persons who appeared and testified as witnesses for the people in the case of the People *ex relatione* Downs and Thompson against J. B. Holloway and others, and all persons who performed services, whether as attorneys or otherwise, for the relators in said suit, may at any time within six months after the passage of this Act present their claims for such services to the Board of Supervisors of Lake County.

Claims to be examined.

SEC. 2. The said Board shall examine said claims at the first meeting after they are presented, and if they find them correct shall allow the same. The said Board shall have power to examine each applicant under oath, if they desire to do so, and may otherwise take such testimony as they may think necessary in order to protect the county and secure a fair compensation to the applicant.

When allowed.

SEC. 3. When said Board has allowed the claim of any person, under the provisions of this Act, the Auditor of said county shall draw a warrant on the Treasurer for the amount so allowed in favor of such person, and the Treasurer shall pay the same out of the General Fund of said county, in the same manner as other warrants are paid.

SEC. 4. If any person is dissatisfied with the amount allowed by said Board of Supervisors, such person may, within thirty days after the decision of said Board, bring a suit for the amount which he claims, in any Court of competent jurisdiction. In said suit Lake County shall be the defendant; and if the person bringing suit shall recover judgment for a larger amount than that allowed by the Board of Supervisors, the defendant shall pay the costs of the action, and the Auditor shall draw his warrant as above specified, for the amount of the judgment and costs; if the plaintiff shall recover the same, or a less sum than that allowed by the Board of Supervisors, he shall pay his own costs and those of the defendant. Suits brought.

SEC. 5. This Act shall take effect immediately.

CHAPTER CXL.

An Act to distribute the revenue derived from the tax on dogs in Sonoma County.

[Approved February 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The revenue derived from the tax on dogs, under "An Act to protect sheep and Cashmere and Angora goats against the ravages of dogs," approved March (13th) thirteenth, eighteen hundred and sixty-six, must be by the Board of Supervisors of Sonoma County appropriated to the support of common schools, to the school district from which the tax is respectively derived. Revenue distributed

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CXLI.

An Act to prevent hogs from running at large in the Town of Shasta.

[Approved February 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this Act it shall not be lawful for any owner or owners of any hog or hogs, or any person having the same in charge, to allow them to run at large within the limits of the town site of Shasta. Owners to restrain.

Penalty.

SEC. 2. If any owner or owners of any hog or hogs, or any person having the same in charge, shall permit the same, contrary to the first section of this Act, to run at large, it shall be lawful for any person to enter a complaint before any Justice of the Peace whose office is within the Town of Shasta, against the person or persons so offending, and any person convicted of violating the provisions of section one of this Act shall be fined for each and every such offense in a sum not less than five dollars nor more than twenty dollars, to be collected as other fines are now collected by law.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXLII.

An Act to fix the bonds of the Sheriff of the County of Contra Costa.

[Approved February 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bond.

SECTION 1. The Sheriff of the County of Contra Costa, on or before entering upon the duties of his office, shall be required to take the oath of office and give bonds, in the manner now prescribed by law, conditioned for the faithful performance of the duties of his office, in the sum of twenty thousand dollars.

Repealing.

SEC. 2. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CXLIII.

An Act concerning the compensation of certain county officers in the County of Los Angeles.

[Approved February 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary of
District
Attorney

SECTION 1. The District Attorney of the County of Los Angeles shall receive a salary of two hundred and fifty dollars (\$250) per month, payable monthly in gold coin, out of the Salary Fund of the county, and shall also receive the same percentage now allowed by law upon the collection of delinquent taxes in said county; *provided*, that all moneys collected by him as now provided by law in criminal cases shall be paid by him into the Salary Fund of said county.

SEC. 2. The County Clerk of the County of Los Angeles shall receive, in addition to fees now allowed by law, a salary of one hundred and fifty dollars (\$150) per month, payable monthly in United States gold coin. County Clerk.

SEC. 3. The Clerk of the Board of Supervisors of the County of Los Angeles shall receive a salary of fifty dollars (\$50) per month, payable monthly in United States gold coin. Clerk
Board of
Supervisors

SEC. 4. The Superintendent of Public Schools of the County of Los Angeles shall receive a salary of seventy-five dollars (\$75) per month, payable monthly in United States gold coin. Superintendent of
Public
Schools.

SEC. 5. The County Assessor of Los Angeles shall receive a salary of three thousand three hundred dollars per annum, payable one half on the first Monday in June and the remainder on the first Monday in December in each year; which sum shall be in full compensation for all services rendered by him, including pay of deputies. County
Assessor.

SEC. 6. The salaries provided for in the foregoing sections of this Act shall be paid out of the Salary Fund of the said county. Salary
Fund.

SEC. 7. This Act shall take effect and be in force from and after the first day of March, A. D. one thousand eight hundred and seventy-two (1872).

SEC. 8. All Acts and parts of Acts in conflict with this Act, Repealing. so far as the same are in conflict, are hereby repealed.

CHAPTER CXLIV.

An Act to provide for the appointment of additional Notaries Public for the County of Humboldt.

[Approved February 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor shall have the power and is authorized to appoint and commission three Notaries Public in the County of Humboldt in addition to the number now authorized by law to be appointed in said county. Such Notaries, when appointed, to be subject to all the provisions of an Act of the Legislature of said State entitled "An Act to provide for the appointment of Notaries Public and defining their duties," approved April twenty-fifth, eighteen hundred and sixty-two. Notaries
Public.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER CXLV.

An Act to provide for the location, construction, and maintenance of public roads in the County of Calaveras.

[Approved February 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Laying out
roads.

SECTION 1. The Board of Supervisors of the County of Calaveras shall have power to alter and discontinue any public highway now in use, or to lay out any new road or highway in the County of Calaveras, and may take and appropriate the lands and improvements of private persons for that purpose, upon making just compensation therefor in the manner hereinafter provided.

Appli-
cation.

SEC. 2. Application for the laying out of a new road, or for the alteration of a road already established, shall be made by petition of at least five residents of the county, in writing, to the Board of Supervisors at the regular meetings, and shall plainly designate the beginning, general route, and termination thereof; but no petition shall be considered unless it be accompanied by an affidavit of one or more of the petitioners interested, stating that all the parties occupying and all the parties owning land along the line of the proposed road shall have been duly notified by a written notice served on them personally, or left at their place of residence, of the time when such petition will be presented to the Board of Supervisors, and further stating that said notice had been served at least ten days before the meeting of said Board at which said petition is to be presented; *provided*, that when the owners of any land over which it is proposed to locate a road are unknown, it shall be sufficient that the affidavit state the parties occupying the same have been duly notified.

Same.

SEC. 3. At the meeting designated in the notice referred to in the preceding section the Board of Supervisors may proceed to hear all objections to the proposed road, or alterations of roads, or they may in their discretion defer acting upon the petition to such time as they may appoint. After having heard and considered the objections to the proposed road or alterations, the Board of Supervisors shall, if they deem the proposed road necessary, appoint two disinterested persons to act as Viewers, and may, in their discretion, direct the County Surveyor to make an accurate survey thereof, with said Viewers, who shall report the proposed alterations or locations of road, a correct plat and description of which, together with a report in writing of character and quantity of land taken by the proposed road from the different owners or occupants on the route thereof, and shall be returned to the Board of Supervisors within a time specified in the order of location.

Viewers.

SEC. 4. At any time within ten days after the return of the report of Viewers to the Board of Supervisors any person through whose land the said road is proposed to be located may,

by a note in writing filed with the Clerk of the Board of Super-^{Damages.}visors, demand an assessment of his damages by a jury. After the expiration of said ten days, if any such demand shall have been made as aforesaid, the Board of Supervisors shall designate some Justice of the Peace of any township in which said road is proposed to be located, before whom said assessment shall be made, and shall immediately cause said Justice to be notified thereof. Said Justice shall, upon receiving said notice, fix a ^{Trial.} day, not less than five nor more than ten days thereafter, for the assessment of such damages, and shall summon a jury of twelve persons, competent to act as jurors in the trial of a civil action. The District Attorney, or any attorney appointed by any of the persons petitioning for the road, may appear for the county. The proceedings shall be conducted in manner and form as the trial of a civil action before a Justice of the Peace in the name of the county as complainant, and the said persons demanding a jury as aforesaid as defendants. On the part of the county evidence may be introduced tending to show the benefits and advantages of said road to the defendants. The jury shall, ^{Verdict.} by their verdict, assess the damages to which each defendant shall be entitled, and the Justice shall certify the same to the Board of Supervisors. The damages of such persons who shall not demand a jury as aforementioned may be assessed by the Board of Supervisors, after hearing such evidence as either the petitioners or the persons claiming damages may offer. The Board of Supervisors may then or thereafter, upon satisfactory proof being shown that the full amount of damages assessed has been tendered to the parties to whom the same is due, declare the same as public highways in accordance with the report of the Viewers, and order the same opened immediately, or at such time as they may direct. If, in the opinion of the Board of Supervisors, a deviation in the route proposed in the petition for a road be expedient, they shall direct the Viewers to make such deviation, and said view or survey of said road, as changed by order of said Board of Supervisors, shall be returned to them within a given time specified in said order of change or alterations; and the Board of Supervisors may, immediately upon the return of said view or survey, or at such time thereafter as they deem proper, declare the route as viewed or surveyed, in accordance with the petition or the route as changed under their direction, to be a public highway.

SEC. 5. The breadth of a public road laid out as aforesaid ^{Breadth.} shall not exceed sixty feet, and the width of a private road shall not exceed forty feet.

SEC. 6. Private roads may be established by the Board of ^{Private} Supervisors in the manner herein set forth for the establish-^{roads.}ment and location of public roads; *provided*, that all damages assessed for the opening of said private roads shall be paid by the party petitioning for the same.

SEC. 7. The Board of Supervisors shall have authority to ^{Abandon-}vacate or change the whole or any part of any public or pri-^{ment.}vate road whenever the same shall have become useless, inconvenient, or burdensome.

Commis-
sioners.

SEC. 8. Each Supervisor shall be ex officio Road Commissioner of his respective Supervisor District, and it shall be his duty to examine each road in his district, and at any time direct the Road Overseer in the performance of his duty. He shall at each meeting of the Board of Supervisors report the condition of the roads in his district, and make such recommendations as he may think proper.

Overseers.

SEC. 9. The Board of Supervisors shall have power to appoint, and it is hereby made their duty to appoint, a Road Overseer for each road district in the County of Calaveras, said Overseers to hold their office at the pleasure of the Board of Supervisors.

Districts.

SEC. 10. It shall be the duty of the Board of Supervisors to divide the county into road districts. Each school district shall constitute a road district, which may be changed at any time as the public interest demands.

Construc-
tion and
repairs.

SEC. 11. The Road Overseers shall cause all the public highways within their respective districts to be kept clear from obstructions and in good repair, causing banks to be graded, bridges and causeways to be built, when the same may be necessary, to keep the same in good repair, and to renew them when destroyed, and to open new roads when ordered by the Board of Supervisors so to do. They shall at all times be under the control of the Supervisors of the district; they shall receive for their services, while in actual employment upon the roads in their respective districts, the sum of three dollars per day.

Road
poll tax.

SEC. 12. An annual road poll tax of two dollars is hereby levied on each able-bodied man between the ages of twenty-one years and fifty years, residing within the County of Calaveras.

Form of
printed
receipts.

SEC. 13. On, or as soon as practicable after the first Monday in March in each year, the County Auditor shall cause to be printed, road poll tax receipts substantially as follows: "Road Poll Tax Receipt, Number —, County of Calaveras, — Fiscal Year 187—. Delivered —, 187—. This certifies that — has this day paid two dollars road poll tax, in Road District No —, for the fiscal year 187—. —, County Recorder. Collected by —, Road Overseer." Which receipts the Auditor shall number consecutively for each of the respective districts, and sign and deliver to each Road Overseer from time to time as required, a sufficient number for his district, and charge them to him at the rate of two dollars each. And the Auditor shall annually cause to be printed a sufficient number of handbill notices: "The road poll tax is now due and payable to the Road Overseer." To furnish each Road Overseer with twenty copies, which he shall put in conspicuous public places in his district.

Notices.

Overseers'
reports.

SEC. 14. On the second Tuesday after the first Monday in each month it shall be the duty of each Road Overseer to report in writing his whole proceedings during the then last preceding month, and to pay to the Treasurer all moneys collected by him during said time, less fifteen per cent, which is hereby allowed for collecting the same; and in the month of September in each year he shall return all the road poll tax receipts not sold, and settle finally with the Auditor and Treas-

urer for all that he had received, and after his accounts are settled, so many of said or similar receipts as may be necessary shall be delivered to him, and be charged to him at the rate of two dollars each, for which he shall make a final return and settlement.

SEC. 15. The Road Overseer of the district shall be Collector of the road poll tax in the district, and for his services as such he shall be allowed in his settlements with the Auditor to deduct and retain for his own use fifteen per cent of the amount collected; and to enforce the payment of the road poll tax the Road Overseer may seize any and every species of personal property whatever, whether the same be exempt from levy upon execution in civil cases or not, claimed by any person liable to and refusing or neglecting to pay his road poll tax, or property belonging to any such person and in the possession of one for another; and may at any place, between the hours of ten o'clock A. M. and four o'clock P. M., upon giving one hour's verbal notice of the time and place of sale, sell so much of said property as will be sufficient to pay said tax and the costs of seizure and sale, which are hereby fixed at the sum of two dollars; and when he notifies any person, firm, or corporation indebted to any person who is liable to pay said road poll tax, and who has refused or neglected to pay the same, that such tax is due and unpaid, the person, firm, or corporation shall pay it, together with one dollar for costs; and the Road Overseer's receipt therefor shall be a sufficient defense in any action brought by such non-taxpaying creditor against his debtor. The costs mentioned in this section for seizing and selling or notifying a debtor shall be retained by the Road Overseer for his own use, and if any Road Overseer shall willfully refuse, fail, or neglect to collect the road poll tax from any person in his district liable to pay such tax, any person may file a complaint in the name of the People of the State of California against such Road Overseer and his bondsmen, for the recovery of fifty dollars in gold coin, as liquidated damages suffered by plaintiffs by reason of such willful refusal, failure, or neglect; and if such refusal, failure, or neglect be proved, the Justice shall render judgment in favor of plaintiff for fifty dollars in gold coin, and costs, of which fifty dollars one half shall be paid to the prosecutor and the remainder shall be paid into the Road Fund of the district.

Collection
of road
poll tax.

Costs.

SEC. 16. The Road Overseers shall file their accounts quarterly, duly verified, with the Clerk of the Board of Supervisors, for settlement. Such accounts shall contain a list of the names of all persons in their respective districts who have paid said tax for the current year. They shall also contain a statement of the sums of money certified for and to whom. And each Road Overseer shall state in his account the number of days he has worked in the discharge of the duties of his office. He shall file, together with his accounts, all receipts which he may have received from the Treasurer for money paid into the Treasury, and also all road tax receipts which shall remain in his hands unsold; and the Board of Supervisors shall examine the accounts of the Road Overseer, and finding them to be correct, and that the persons who have paid taxes, together with

Settlement
of accounts.

the tax receipts returned, are equal to the whole number of receipts issued to them respectively, shall order the Auditor to balance their accounts.

County
Treasurer.

SEC. 17. When any Road Overseer shall pay any money into the County Treasury, it shall be the duty of the Treasurer to place it in the Fund of the district of which the person so paying it is Road Overseer, and the Treasurer shall pay money out of the Road Fund on orders drawn by the order of the Board of Supervisors; and to enable the Board to examine and allow claims against the Road Fund, the Road Overseer shall give each person a certificate of the number of days or parts of days he worked upon the road, and the agreed price per day, and the amount due; and he shall give the owner of each horse, mule, ox, wagon, cart, plow, or scraper a similar certificate in regard to the time such horse, mule, ox, wagon, cart, plow, or scraper was used, the agreed price and amount due.

Levy of
property
tax.

SEC. 18. At the time of making the levy of State and county taxes of each year, the Board of Supervisors of the County of Calaveras shall levy upon all the taxable property in the county a property tax of ten cents on each one hundred dollars of such taxable property; *provided*, that all property tax levied under this Act shall be collected as other county taxes and be paid into the Treasury to the credit of the District Road Fund in which the property is situated; and *provided* further, that in lieu of the payment of the poll and property tax herein provided for, the party or parties so owing may at their option work upon the public roads of their respective districts at the rate of — dollars per day, to an amount sufficient to pay said taxes, and the certificate of the Road Overseer of the performance of the work shall be received as a receipt for the payment of so much of the tax due as may therein be expressed.

Repealing.

SEC. 19. An Act to provide for the location, construction, and maintenance of public roads in the County of Calaveras, passed March thirtieth, eighteen hundred and sixty-eight, is hereby repealed.

SEC. 20. This Act shall take effect immediately.

CHAPTER CXLVI.

An Act to incorporate the Town of Cloverdale, Sonoma County, California.

[Approved February 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Corpora-
tion.

SECTION 1. The inhabitants of the Town of Cloverdale are hereby constituted a body corporate and politic, under the name and style of the Town of Cloverdale, and by that name and style they and their successors shall be known in law,

have perpetual succession, and be invested with all the rights and privileges conferred by and be subject to all the liabilities, restrictions, and provisions of an Act entitled an Act to provide for the incorporation of towns, approved April nineteenth (19th), one thousand eight hundred and fifty-six, so far as the provisions of said Act may be consistent with the provisions of this Act.

SEC. 2. The corporate limits of the Town of Cloverdale, Limits. Sonoma County, State of California, shall be as follows: Commencing at the mouth of a certain creek where it empties into Russian River, on the west side of said river, at or near where the road leading from Cloverdale to Clear Lake road crosses said Russian River, and continuing up the center of said creek until it strikes the northwest corner of the lands of John Ontis; and thence in a southerly direction along the Wamboldt and Kleiser line fence, and still continue in said direction until it strikes the southwest corner of Dr. J. Ramey's lot of land, and then in an easterly direction to the southwest corner of Blakeley's land; thence northerly to Kleiser's picket fence, being the line fence between Caldwell and Kleiser's land; thence following said fence to Russian River; thence up said river to the place of beginning.

SEC. 3. The Board of Trustees, Treasurer, Assessor, and Marshal, Officers. shall be elected by the qualified electors of said town on the first Monday of May, and shall hold their office for the term of two years, and until their successors are elected and qualified; *provided*, that the first Board of Trustees, Treasurer, Assessor, and Marshal shall be chosen in like manner, at some time and place to be designated by the Board of Supervisors of the County of Sonoma, which time shall not exceed twenty days from the date of said order, and the said officers so chosen shall hold their offices until the first Monday of May ensuing, and until their successors are elected and qualified.

SEC. 4. The Trustees of said town shall have power to make such by-laws and ordinances not inconsistent with the laws of the United States and of this State as they may deem necessary, to prevent and remove nuisances, to prohibit disorderly conduct, to provide for licensing public shows and lawful games and bars at which spirituous liquors are sold, to provide such means as they may deem necessary to protect the town from injuries by fire, to levy and collect annually a tax on all property in said town not exceeding one quarter of one per cent on the assessment valuation thereof, to impose and collect a poll tax of not exceeding one dollar per annum on every male inhabitant of twenty-one years of age and upwards, to impose and collect on dogs a tax not exceeding six dollars per annum on every dog found at large within the corporate limits of said town, and to pass such other by-laws and ordinances for the regulation and police of said town as they may deem necessary; but they shall not have power to contract any debt or debts which singly or in the aggregate shall exceed the sum of two hundred and fifty (250) dollars, unless by the consent of the majority of the voters of said town, of which voting at a special election ordered by the Trustees of said town, of which election public notice shall be given by notices posted, or by publi- Power of Trustees.

cation in a newspaper, if there be one in said town, for at least ten days prior to such election.

Board of
Equaliza-
tion.

SEC. 5. Said Board of Trustees shall in the event of a tax being levied under this Act and an assessment made, sit as a Board of Equalization for not less than two days, notice of which sitting shall be given by publication, or by posting in three public places in said town for at least ten days next preceeding the time fixed, that such assessment roll is open for inspection, and that said Board will sit as a Board of Equalization and hear all complaints. They may require testimony and increase or diminish the assessment of particular persons or property, or add any property that may have been omitted, as may be just and equitable.

Compensa-
tion.

SEC. 6. The compensation of said Board of Trustees shall not exceed one dollar per annum. The Clerk of said Board shall receive not to exceed eighty dollars per annum. The Treasurer shall receive ten dollars per annum. The Assessor shall receive not to exceed forty dollars per annum. The Board of Trustees shall prescribe the duties and fix the compensation of the Marshal and all appointed officers.

Making
assess-
ments.

SEC. 7. The manner of making assessments and collecting town revenue shall be fixed by ordinance; and any Justice of the Peace of the Township of Cloverdale, who may be designated by said Board of Trustees, shall have jurisdiction of any and all suits which may be brought before him to enforce the collection of said taxes; and any sale of property, real or personal, made in pursuance of any decree of said Justice shall be as effectual to pass the title of the owner to the purchaser, as if the same had been made under the Revenue Law of this State, and the provisions of an Act to provide revenue for the support of the government of this State, approved May seventeenth, one thousand eight hundred and sixty-one, with the amendments thereto, so far as the same apply to proceedings at law to enforce the collection of delinquent taxes, and are not inconsistent with the foregoing provisions of this Act, are made applicable to this Act, and to proceedings to enforce the collection of the aforesaid taxes.

Streets.

SEC. 8. The said Board of Trustees shall have power to lay out, open, widen, improve, ornament, and repair public streets and public squares within the limits of said town, and to establish the grades of said streets, and to regulate the width and manner of construction, and in the public streets and alleys already laid out, opened, and used in said Town of Cloverdale, or in the public streets and alleys which may be hereafter laid out and opened in said town. All expenses for graveling and planking the sidewalks, and the expense of all work and repairs necessary to keep such sidewalks in good condition, shall be assessed upon the owners of lots on each side of the street. Every owner of a lot, whether a resident or non-resident, shall be liable for all the expenses of graveling and planking the sidewalks in front of his or her lots, but the sewerage, grading, graveling, planking, and repairs of every kind to keep said streets and alleys in good condition shall be done at the equal one-third (1/3) expense of the adjacent lots, on each side of the said streets and alleys, and in proportion to the frontage, equi-

tably adjusted at an assessed rate per foot, and one third of such expense shall be paid by the Town of Cloverdale.

SEC. 9. Whenever three or more property holders shall petition the Board of Trustees, and the Trustees deem it necessary and convenient for the use of the public to lay out and open any new street or alley in said town, they shall have power to do so, and the damages incurred by the laying out of such streets and alleys shall be assessed upon the parties in the vicinity of said streets and alleys, who, in the opinion of the Board of Trustees are benefited by such location, and in proportion to the amount of frontage, equitably adjusted at an assessed rate per foot, sufficient to cover and defray the expense of such location. Streets.

SEC. 10. The Board of Trustees, by ordinance, may declare Same. and establish such work and repairs as is specified in the preceding sections of this Act, describing particularly in such ordinance the extent, kind, and character of the work to be done, and fixing the time within which it shall be done; *provided*, a majority of the persons or occupants owning land on said street or alleys proposed to be laid out and opened, repaired or graveled, shall within ten days from the date of said ordinance file with the Clerk of the Board of Trustees a written protest against such proposed work as the ordinance may set forth, all proceedings by the Board of Trustees in relation to the work to be done shall be discontinued, and shall not be renewed within one year from the date of said protest.

SEC. 11. Whenever such ordinance may be passed, the owner Same. or occupant of the lot may proceed to do the graveled, paving, or planking of the sidewalks, or the graveled or planking of the street; each separate and distinct owner being at liberty, and being required, under the direction of the Board of Trustees, to do or cause to be done, at his own expense, the work, repairs, and improvements in front of his own premises, one third ($\frac{1}{3}$) of the width of the street, and within such time as may be specified in such ordinance.

SEC. 12. Whenever such work shall not be done by such Same. owner or occupant within the time prescribed, said Board of Trustees may levy an assessment upon all such lots where such work has not been done, sufficient in amount to defray the expense of such work, which assessment shall be levied and collected by suit, in the same manner and under the same provisions of law whereby town taxes now are or may be hereafter collected; and every such assessment shall become and hereby is declared to be a lien upon said lots, severally, to attach at the date of publication of any such ordinance.

SEC. 13. All work herein authorized and required to be done by the Board of Trustees, shall in all cases when not done by the owner or occupant of the lot, be let out to the lowest bidder offering adequate security. Before giving out any contract to do such work the Trustees shall cause notices to be posted, or inserted in a newspaper, if any be published in said town, for one week, inviting sealed proposals for the work contemplated to be done; such proposal or proposals shall be opened and examined in public session, and all contracts shall be awarded as hereinbefore provided. Notice of publication.

Condemn-
ing lands.

SEC. 14. The Board of Trustees, in the name of the Town of Cloverdale, are hereby authorized and empowered under the provisions of the Act entitled "An Act to provide for the incorporation of railroad companies," approved May twentieth, eighteen hundred and sixty-one, as contained in section twenty-four and following to section forty of said Act inclusive, to condemn, take, and appropriate lands and the right of way through lands and premises when the same cannot be obtained by purchase from or agreement with the owners, for the purpose of opening, widening, laying out, and straightening streets and alleys in said town for reservoir sites, tanks, and cisterns, and for laying of pipes from the same, and for sewers, sewerage, and drainage through any premises where the same may be necessary for the public health and convenience; and the provisions of said Act, and the proceedings thereunder to be taken, are hereby declared to be and are made applicable in so far as the same can be so made to the purposes hereinbefore set forth.

Road poll
tax.

SEC. 15. The Trustees of said town shall have power to order the Roadmaster of Cloverdale Road District to expend one half of all the money collected by him within the bounds of the incorporation as a road poll tax, and appropriate the same to keeping the streets of said town in repairs.

Pound.

SEC. 16. The Board of Trustees shall have power to establish a Pound, for the impounding of stray and loose cattle, hogs, or other animals found at large in said town, and appoint a Poundmaster, who shall have power, with the approval of the Trustees, to appoint a deputy to take charge of the same, and the Board of Trustees shall have power to pass all proper ordinances defining and describing the duties of such officers; to prohibit the owners of such animals and cattle from permitting the same to run at large, and to regulate the impounding; and the certificate of sale of the Poundmaster shall be and hereby is declared prima facie evidence of title to property sold by him under the provisions of the ordinances of said town.

Streets,
how laid
out.

SEC. 17. All streets laid out under the provisions of this Act shall be laid out to run parallel and at right angles with West street, as surveyed and platted by J. B. Woods, County Surveyor, in October, eighteen hundred and fifty-nine.

Official
map.

SEC. 18. The Board of Trustees shall proceed, immediately after their organization, to have an official map of said town made in accordance with the preceding section.

Fiscal year.

SEC. 19. The fiscal year of said town shall commence on the first day of April of each year, and end on the last day of March of the ensuing year. The taxes of said town shall be, annually, first, a general tax on all the property in the town subject to taxation, not exceeding one quarter of one per cent of the assessed value thereof, for general purposes.

SEC. 20. This Act shall take effect and be in force from and after its passage.

CHAPTER CLVII.

An Act fixing the compensation of the Treasurer and Assessor of Humboldt County.

[Approved February 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Treasurer of said county shall receive an annual salary, payable quarterly, of fifteen hundred dollars per annum, which, together with the mileage allowed by law, shall be in full compensation for all services; and all commissions received from the State and other sources shall be paid into the General Fund of the county. Treasurer's salary.

SEC. 2. The County Assessor of Humboldt County shall receive an annual salary of sixteen hundred dollars, which shall be in full compensation for all service, and no allowance whatever shall be made for the service of any deputy. Assessor's salary.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER CLVIII.

An Act to provide for the care of indigent sick in Del Norte County.

[Approved February 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The provisions of "An Act entitled an Act to provide for the relief and maintenance of the indigent sick of Klamath County," approved January nineteenth, eighteen hundred and seventy, are hereby extended and made applicable to the County of Del Norte. Extension of Act.

SEC. 2. An Act entitled "An Act to provide for the care and maintenance of the indigent sick of the County of Del Norte," approved February twentieth, eighteen hundred and sixty-eight, is hereby repealed. Repealing.

SEC. 3. This Act shall take effect immediately from and after its passage.

CHAPTER CLIX.

An Act to authorize the Public Administrator of Contra Costa County to act as Coroner.

[Approved February 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public Administrator
to act as
Coroner.

SECTION 1. The Public Administrator of Contra Costa County shall be ex officio Coroner. He shall give such bond as the Supervisors of said county in their discretion shall from time to time order, for the faithful performance of the duties of the office.

Repealing.

SEC. 2. All laws and parts of laws in conflict with this Act are to be so construed as to be held inapplicable to the county aforesaid.

SEC. 3. This Act shall take effect sixty days after its passage.

CHAPTER CL.

An Act to amend an Act entitled an Act to raise a fund for the improvement of Napa City, approved January twenty-fourth, eighteen hundred and seventy.

[Approved February 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Money,
how
expended.

SECTION 1. Section four of said Act is hereby amended so as to read as follows: The moneys collected in pursuance of this Act shall be under the direction of the Board of Supervisors of Napa County, and shall be by them expended for the following purposes, and none other: One half for lighting the streets of said Napa City and its additions with gas, and one half for the creation of five hydrants, making the necessary attachments thereto, and for a supply of water for fire purposes and for the use of the public buildings belonging to said Napa City.

CHAPTER CLI.

An Act to amend an Act entitled an Act to provide for the manner of auditing claims against Humboldt County, and to provide for the reduction of taxation therein and expenses thereof, approved April first, eighteen hundred and seventy.

[Approved February 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of said Act is hereby amended so as to read as follows:

Section 11. All Auditor's warrants drawn upon the General or Road Funds of said county for claims accruing prior to July first, one thousand eight hundred and seventy, shall be paid out of the special Fund created by the preceding section, and out of no other Fund. Said warrants shall be paid in the order of their registration; *provided*, that whenever warrants upon the General and Road Funds shall appear to have been registered at the same time, those upon the General Fund shall, for the purposes of this Act, be deemed to have been first registered.

SEC. 2. Section twelve of said Act is hereby amended so as to read as follows:

Section 12. The Board of Supervisors shall, at their first regular meeting after the first day of July, and at each regular meeting thereafter, appropriate a sum equal to the salaries of the different county officers and estimated fees of witnesses and jurors for the succeeding three months; which said appropriation shall be paid out of the General Fund of said county, and the salaries of officers and fees of jurors shall take precedence of all other claims against the General Fund.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CLII.¹

An Act to amend an Act entitled "An Act to provide for the assessment and collection of taxes in the County of Placer," approved March second, eighteen hundred and seventy.

[Approved February 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is amended to read as follows:

Section 3. At the general election for county officers to be held in said county, in the year eighteen hundred and seventy-

Election of Assessors. one, and at such election to be held every two years thereafter, there shall be elected by the qualified electors of each of said revenue districts one Assessor, whose term of office shall be two years, commencing on the first Monday of March next after his said election, and shall hold office until his successor is elected and qualified. Each of said Assessors shall, before entering upon the duties of said office, take the oath of office and give a bond in the sum of five thousand dollars, or for such greater sum as the Board of Supervisors of said county shall require, conditioned as required by law, for the faithful performance of all the duties required of him by law, to be approved by the County Judge of said county; and the Assessor of Revenue District Number One shall receive as compensation for his services a salary of one thousand dollars per annum; and the Assessor of Revenue District Number Two shall receive as compensation for his services a salary of one thousand dollars per annum; and the Assessor of Revenue District Number Three shall receive as compensation for his services a salary of one thousand dollars per annum; each to be audited and allowed like other accounts after the completion of his services for each year.

Salaries.

SEC. 2. All parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CLIII.

An Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county.

[Approved February 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy additional tax. SECTION 1. The Board of Supervisors of Amador County are authorized and empowered to levy, annually, a tax of fifty cents on each one hundred dollars value of taxable property in said county, in addition to the tax now authorized by law to be levied in said county for county expenditures. The money derived from the levy of the tax under this Act shall be paid into the General Fund of the county and expended in the same manner as other moneys in said Fund.

How collected. SEC. 2. The tax authorized by this Act to be levied shall be collected at the same time and in the same manner as other taxes for county purposes are authorized by law to be collected.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CLIV.

An Act for the relief of Henry Kohn.

[Approved February 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is appropriated to Henry Kohn the sum of five thousand five hundred and sixty-five dollars and sixty-five cents, being the amount found due him from the State by the Board of Examiners, and shown in their report to the Senate and Assembly of the State of California, dated November fourth, eighteen hundred and seventy-one; and the Controller shall draw his warrants for said sum on the Treasurer of the State, payable out of the General Fund.

Appropriation.

SEC. 2. This Act shall take effect from its passage.

CHAPTER CLV.

An Act to amend an Act entitled "An Act to authorize the issue of bonds by the County of San Diego to erect county buildings," approved March twenty-ninth, eighteen hundred and seventy.

[Approved February 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is amended so as to read as follows:

Section 1. The Board of Supervisors of the County of San Diego are hereby authorized to issue and sell the bonds of said county, not exceeding in the aggregate fifty-five thousand dollars, payable at the option of the said Board at any time within twenty years from the date of issuance of said bonds, in gold coin, and to bear interest at the rate of ten per cent per annum, payable semi-annually, in gold coin, on the second days of January and July in each year.

To issue bonds.

SEC. 2. This Act shall take effect immediately after its passage.

CHAPTER CLVI.

An Act for the payment of the salary of the late Royal T. Sprague, for the year eighteen hundred and seventy-two, to his widow.

[Approved February 29, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation of salary of R. T. Sprague. SECTION 1. The Controller of State is hereby directed to draw his warrant upon the Treasurer of State in favor of the widow of the late Royal T. Sprague, Chief Justice of the Supreme Court of this State; for the sum of five thousand dollars, the amount that would have accrued as salary had the late Chief Justice served as such through the year eighteen hundred and seventy-two, and the Treasurer of State is hereby directed to pay the same.

Amount. SEC. 2. The sum of five thousand dollars is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, for the payment of such warrant.

Exceptions. SEC. 3. This Act is excepted from the provisions of law relative to the Board of Examiners.

SEC. 4. This Act shall be in force from and after its passage.

CHAPTER CLVII.

An Act to amend an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Oakland, approved March fourteenth, eighteen hundred and sixty-eight.

[Approved March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Powers. Section 2. The Board of Education shall have sole power:

First—To establish and maintain public schools, and to establish school districts and to fix and alter the boundaries thereof.

Second—To employ and dismiss teachers, janitors, and school census Marshals, and to fix, alter, allow, and order paid their salaries or compensation, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Third—To make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the gov-

ernment and progress of public schools within the said city, the teachers thereof and the pupils therein, and for carrying into effect the laws relating to education; also, to establish and regulate the grade of schools, and determine what text books, courses of study, and mode of instruction shall be used in said schools. Powers.

Fourth—To provide for the school department of said city fuel and lights, water, blanks, blank books, printing, and stationery, and to incur such other incidental expenses as may be deemed necessary by said Board.

Fifth—To build, alter, repair, rent, and provide school houses, and furnish them with proper school furniture, apparatus, and school appliances, and to insure any and all such school property.

Sixth—To receive, purchase, lease, and hold in fee, in trust for the City of Oakland, any and all real estate, and to hold in trust any personal property that may have been acquired, or may hereafter be acquired, for the use and the benefit of the public schools of said city; *provided*, that no real estate shall be bought, sold, or exchanged, or expenditures incurred for the construction of new school houses without the consent of four members of the Board of Education and four members of the City Council of said city; and *provided* further, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots or the erection of school houses; and the City Council of said city are hereby authorized and required to make over to said Board of Education, upon application in writing by said Board, through its President and Secretary, by good and sufficient deeds of conveyance, all property, both real and personal, now held by said City Council in trust for said city for the use and benefit of the public schools; and the said Board is hereby authorized to defray all expenses attending the same.

Seventh—To grade, fence, and improve all school lots, and in front thereof to grade, sewer, plank, or pave and repair streets, and to construct and repair sidewalks.

Eighth—To sue for any and all lots, lands, and property belonging to or claimed by the said school department, and to prosecute and defend all actions at law or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property, and to employ and pay counsel in such cases; *provided*, the amount of fees paid to such counsel shall not exceed five hundred dollars in any one year; and further to do any and all acts necessary thereto.

Ninth—To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision the Board shall, on or before the first Monday of February of each year, submit in writing to the City Council a careful estimate of the whole amount of money to be received from the State and county, and the amount required from the city for the above purposes, and the amount so found to be required from the city shall by the City Council be added to the other amounts to be assessed and collected for city purposes; *provided*, that the amount to be thus assessed for school

Powers.

purposes shall not exceed forty cents on each one hundred dollars valuation upon the assessment roll, and that when collected it shall be immediately paid into the School Fund, to be drawn out only upon the order of the Board of Education.

Tenth—To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

Eleventh—To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand for good cause.

Twelfth—To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

Thirteenth—To prohibit any child under six years of age from attending the public schools.

Fourteenth—And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board.

SEC. 2. Section eight of said Act is hereby amended so as to read as follows:

Election
and salary
of Superin-
tendent.

Section 8. At the next ensuing charter election for city officers of the City of Oakland, and at each alternate charter election thereafter, there shall be elected a Superintendent of Public Schools for said city, who shall hold his office for the term of two years, and until his successor shall be duly elected and qualified. He shall be ex officio a member of the Board of Education, without the right to vote, and shall be allowed as compensation for his services, to be paid out of the School Fund, a sum not exceeding twenty-five hundred dollars per annum, to be determined by the Board of Education at the first regular meeting of said Board after the election of said Superintendent.

SEC. 3. Section fifteen of said Act is hereby amended so as to read as follows:

Claims.

Section 15. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members elect of said Board, upon a call of the ayes and noes, which shall be recorded, they shall be signed by the President of the Board and by the Superintendent, and be sent to the City Treasurer. Every demand shall have indorsed upon it a certificate of its approval. All demands for salaries shall be paid monthly.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CLVIII.

An Act supplemental to an Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County, approved March fourth, eighteen hundred and seventy.

[Approved March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Constables of the County of Calaveras shall be ex officio Collectors of taxes for their respective townships, and shall collect, by self or deputies, all and every kind of tax or license, except real and personal property tax and road poll tax, in and for said county required by law to be collected; and for the collection of said tax and license they shall receive the following rates and percentages, which they shall keep and retain for their own use and benefit: For the collection of poll and hospital tax, fifteen per cent on the amount collected; for the collection of traders' license, liquor license, theater, peddler, and all kinds and character of license required by law to be collected, ten per cent upon the amount so collected.

Constables
ex officio
Collectors.

SEC. 2. The Constables shall keep a book, in which they shall enter:

Book to be
kept.

First—The name of each person or persons from whom they shall have collected any tax or license, the amount collected, and for what particular tax or license the same was so collected.

Second—They shall enter in said book the names of all persons within their respective townships engaged in any business, the carrying on of which is by law required to be done under a license from either State or county; and shall correct said list from time to time, as any person or persons cease to be engaged in said business, trade, or occupation or profession, for which, before engaging therein, they should have procured a license. Said book shall be the property of the county, and open for public inspection at the office of said Constables.

SEC. 3. It shall be lawful for the said Constables to divide their respective townships into collection districts, but in all things they shall jointly act, except that they may assign themselves to a particular district in their township.

Collection
districts.

SEC. 4. It shall be the duty of said Constables, every three months, to make out a list of all persons or firms doing business in their respective townships, the nature and kind of business, the amount of their license tax, and the place where said business is carried on, which shall be posted up in two conspicuous places in the township for the information and investigation of all persons interested. When the license has been collected, the word "paid" shall be written opposite the name.

Duty of
Constables

SEC. 5. The provisions of an Act entitled "An Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County," approved

Provisions
to apply.

March fourth, eighteen hundred and seventy, to which this Act is supplementary, shall in all respects apply to the Constables of the various townships of Calaveras County. And where the word "Sheriff" occurs in said Act in reference to the collection of license and taxes herein named, it shall be construed to mean Constables; and said Constables shall make their return and payments in the same mode and manner and form as is therein provided to be done by the Sheriff.

Bonds.

SEC. 6. Before said Constables shall enter upon their duties as Collectors, as herein provided, they shall each execute a bond for the faithful performance of their duties as such Collectors, in such sums as may be named by the Board of Supervisors, and which bond shall be approved by said Board; *provided*, that no bond shall be less than two thousand dollars.

Repealing.

SEC. 7. All Acts or parts of Acts, so far only as they conflict with this Act, are hereby repealed.

SEC. 8. This Act shall take effect immediately.

CHAPTER CLIX.

An Act to amend an Act entitled "An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto," approved March fifth, eighteen hundred and seventy.

[Approved March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of said Act is hereby amended so as to read as follows:

Fees of Tax
Collectors.

Section 13. The Tax Collector of the several counties shall receive ten per cent of the gross amount collected from road poll tax receipts, fifteen per cent of the amount collected on State poll tax receipts, and twenty per cent upon the amount collected from foreign miners' licenses; and for the collection of State and county taxes, except taxes for school purposes, he shall receive six per cent on the first ten thousand dollars collected, four per cent on all over ten thousand and under twenty thousand dollars, and two per cent on all over twenty thousand dollars; *provided*, that in the County of Monterey the Tax Collector shall receive for the collection of all State and county taxes, except taxes for school purposes, on the first ten thousand dollars collected four per cent, on all over ten thousand dollars and under twenty thousand dollars two per cent, and on all over twenty thousand dollars one and one half per cent; *provided* further, that in the County of Humboldt the Tax Collector shall receive for the collection of State and county taxes four per cent on the first ten thousand dollars collected, three per cent on all over ten thousand dollars and less than twenty thousand dollars, and two per cent on all over twenty thousand

dollars; *provided* further, the Assessor of Solano County shall Same. be ex officio State, Poll, and Road Tax Collector; *provided* further, that in the County of Shasta the Collector of foreign miners' licenses shall pay into the County School Fund thirty-seven and one half per cent of the fees received by him for the collection of said licenses under this section. The said Tax Collector, except in the Counties of Alameda, Amador, Yolo, Napa, Lake, Sacramento, Alpine, Fresno, Lassen, Butte, Kern, Tulare, Colusa, Tehama, Solano, and Trinity, shall also receive one dollar for each business license sold, one half of which shall be paid to the County Auditor. No percentage shall be allowed for the collection of taxes for school purposes. There shall be allowed by the State to all the counties ten per centum due on all moneys payable into the State Treasury derived from the sale of business licenses, in full for all expenses which may be incurred for collecting such licenses; *provided*, that in the County of Monterey no percentage shall be allowed for the collection of road poll taxes; *provided*, that the Assessor of Sutter County shall be ex officio State Poll Tax Collector; *provided*, that in the Counties of Shasta and Trinity the Collector shall receive no percentage on the road poll tax, and said tax shall be collected as prescribed by existing laws; *provided*, that the provisions of this section shall not apply to the Tax Collector of Siskiyou or Calaveras Counties.

SEC. 2. Section sixteen of said Act is hereby amended so as to read as follows:

Section 16. He shall receive, as a full compensation for all services required to be performed by him by law, as County Auditor, the following amounts or percentage on all moneys which shall be paid into the County Treasury during any fiscal year: On the first twenty thousand dollars, two per centum; on all sums over twenty thousand dollars and less than forty thousand dollars, one and one half per cent; on all sums over forty thousand dollars and less than sixty thousand dollars, one per centum; and on all sums over sixty thousand dollars, one half of one per centum; *provided*, that he shall not receive any percentage on moneys paid into the County Treasury for school purposes; and *provided* further, that in the following counties, in lieu of said percentage, the annual compensation of County Auditor shall be as follows: in the County of Santa Clara, fifteen hundred dollars; in the Counties of Solano and Sonoma, twelve hundred dollars; in Contra Costa, Marin, Santa Cruz, and Los Angeles, nine hundred dollars; in the County of Sutter, seven hundred and fifty dollars; in the Counties of Klamath, Monterey, and Del Norte, four hundred dollars; in the Counties of Humboldt and Butte, six hundred dollars; in the Counties of San Diego and Inyo, five hundred dollars. The compensation of the County Auditor shall be allowed by the Board of Supervisors, quarterly, and the several County Treasurers are hereby authorized to apply the amounts allowed by the State for the Auditors' compensation to the payment of such allowances. This section shall not apply to Calaveras County.

Compensation of County Auditors.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CLX.

An Act to repeal an Act entitled "An Act to make, open, and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor," approved March twenty-ninth, eighteen hundred and seventy, and to provide for the payment of the expenses incurred under said Act.

[Approved March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repealing. SECTION 1. The Act entitled "An Act to make, open, and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor," approved March twenty-ninth, eighteen hundred and seventy, is hereby repealed, and the City and County Attorney of said City and County of San Francisco is hereby directed, within ten days after the passage of this Act, to file in the County Court of said city and county his petition reciting the passage hereof, and praying said Court to order the proceedings now pending in said Court for a confirmation of the report made by the Commissioners, in pursuance of the provisions of the Act hereby repealed to be dismissed, and the said order shall be made by said Court upon satisfactory proof of the enactment hereof.

Commissioners. SEC. 2. The now acting Commissioners under the Act mentioned in section one of this Act shall, within ten days after the passage of this Act, prepare a schedule, which shall contain a correct list of all warrants or certificates issued by said Commissioners for rents, labor, services of reporters, clerks, witnesses, draughtsmen, experts, surveys, maps, printing, stationery, furniture, counsel or attorneys fees, and all other incidental expenses which shall have been rendered or incurred under or by said Commissioners under said Act. Said schedule shall state the name of the person or persons to whom such warrants or certificates shall have been issued, the nature of the service, claim, or demand, and the amount for which the same was issued. It shall be signed and verified by the oath of the Commissioners to the effect that they believe the same to be a just and correct statement, and that the several amounts therein set forth are justly due to each of the persons or firms named in said schedule. Said schedule and oath shall be presented to the County Court of said city and county and filed in the office of the Clerk of said Court. Immediately upon filing the same the Clerk of said Court shall give notice of such filing to the City and County Attorney of said city and county, and the County Court shall fix a day and hour at the Court room thereof, which shall not be more than ten days after such filing, to hear objections to the allowance of the items and amounts contained in such schedule. The items and amounts contained in such schedule, or so many or such portion thereof as shall be proven to the satisfaction of the County Judge of said city and county

to be correct and to have been lawfully incurred, and to have been authorized by said Act named in section one of this Act, shall be allowed by said County Court. The City Attorney, or any person or persons interested, may offer proofs before said County Judge, or the County Judge himself may summon any person or persons to appear before him to testify in relation to the items and amounts contained in said schedule. The claimants or persons named in said schedule may introduce counter proofs or evidence, and after hearing said proofs or evidence the County Judge of said city and county shall allow, reject, change, or modify the amounts enumerated in said schedule. Said County Court may adjourn the hearing from day to day not exceeding thirty days. Said Court shall, as early as practicable after the evidence shall be closed, make its determination in writing, specifying the amount by it allowed to the persons and for the items mentioned in said schedule, and shall cause a certified copy thereof to be delivered to the Auditor and Treasurer of said city and county; and the Treasurer without further auditing thereof, and upon the surrender to him of the warrants or certificates issued by the Commissioners, shall thereupon, or as soon as there shall be sufficient money in the General Fund of the City and County Treasury, pay to the persons, or to the assignees of the persons named in such determination, the respective amounts in gold coin as aforesaid allowed to each by such determination. Any person in whose favor an allowance shall be made by said County Court, or the assignee of such person, shall file with said Treasurer the warrant which was issued to him by said Commissioners, and if there is any assignment or transfer on said warrant, the assignee thereof may file the same with the said Treasurer, and be entitled to receive from said Treasurer the sum allowed to said assignor, and evidenced by said warrant.

Commissioners.

SEC. 3. No allowance or compensation shall be made or paid to any person for rents, labor, services, reporting, clerk hire, witnesses, draughtsmen, experts, surveys, maps, printing, stationery, counsel fees, attorney's fees, or other incidental expenses, under this Act, or under said Act entitled as aforesaid, except the same was contracted for and rendered prior to the passage of this Act.

No compensation.

SEC. 4. The Board of Supervisors and other municipal officers of the City and County of San Francisco shall, immediately after the County Court shall have made its determination, in writing, specifying the amounts by it allowed to the persons and for the items mentioned in the Commissioner's schedule, as provided in section two of this Act, proceed to levy and collect, in gold coin, in the same manner as other State and municipal taxes are levied and collected, a tax sufficient to pay the warrants hereinafter mentioned and the interest thereon, and the other sums of money so allowed by said County Court, together with interest thereon at the rate prescribed in said Act, mentioned in section one of this Act; said tax shall be collected at the same time the State and municipal taxes for the year eighteen hundred and seventy-two and three are collected, and the moneys derived therefrom shall be paid into the General Fund of the City and County of San Francisco.

Levy of tax.

Warrants. SEC. 5. All warrants which have been or shall be drawn by the Commissioners, who have acted under the Act mentioned, and referred to in section one of this Act, for the compensation of such Commissioners, and which have been or shall be approved and certified by the County Judge of the City and County of San Francisco, shall be paid in United States gold coin, according to the tenor thereof, without further auditing, out of the General Fund of the Treasury of the City and County of San Francisco, as soon as there shall be sufficient money in said Fund to pay the same, derived from the tax to be levied and collected as aforesaid.

Deposit of books, papers, etc. SEC. 6. All books, estimates, maps, plans, surveys, and all papers accumulated by and in the possession of said Commissioners, shall, after the passage of this Act, be deposited with the County Recorder of said city and county, to be by him safely kept until otherwise directed by the Board of Supervisors of said city and county.

Construction. SEC. 7. Nothing in this Act shall be construed to legalize any act of said Commissioners not otherwise lawful.

SEC. 8. This Act shall take effect from and after its passage.

CHAPTER CLXI.

An Act to regulate the terms of the County Court and Probate Court of the several counties of this State.

[Approved March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of County Court. SECTION 1. Each of the regular terms of each County Court shall continue until the next regular term, unless the business of the Court is sooner disposed of.

Terms of Probate Court. SEC. 2. Each of its regular terms of each Probate Court shall, either with or without intermediate adjournment, continue to the commencement of the next term.

CHAPTER CLXII.

An Act to regulate the salary of the County Treasurer of Stanislaus County.

[Approved March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Treasurer of the County of Stanislaus shall receive for his services a salary of eighteen hundred dollars per annum.

SEC. 2. All Acts and parts of Acts concerning and relating to the aforesaid salary, and in conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXIII.

An Act concerning official bond of Public Administrator of Contra Costa County.

[Approved March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official bond of the Public Administrator of Contra Costa County is hereby fixed at the sum of five thousand dollars; *provided*, that the Board of Supervisors of said county may at any time order a special bond in addition thereto, when in their judgment said additional bond may become necessary.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CLXIV.

An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties, approved April twenty-fifth, A. D. one thousand eight hundred and sixty-two.

[Approved March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Notary
Public.

SECTION 1. The Governor shall have the power and is authorized to appoint and commission one Notary Public in the City and County of San Francisco, to reside and transact his notarial duties at Yerba Buena Island, in the Bay of San Francisco, in addition to the number now authorized by law to be appointed in said city and county. Such Notary, when appointed, shall be subject to the general laws in relation to Notaries Public.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXV.

An Act to punish seduction.

[Approved March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Seduction.

SECTION 1. Every person who inveigles or entices any unmarried female, of previous chaste character, under the age of eighteen years, into any house of ill fame, or of assignation, or elsewhere, for the purpose of prostitution, and every person who aids or assists in such abduction for such purpose, and every person who by any false pretenses, false representation, or other fraudulent means, procures any female to have illicit carnal connection with any man, is punishable by imprisonment in the State Prison not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

CHAPTER CLXVI.

An Act to amend an Act entitled "An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in the County of Tuolumne," approved February twenty-seventh, eighteen hundred and sixty-six, approved April second, eighteen hundred and seventy.

[Approved] March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. Any person liable to the payment of the road poll tax may pay said road poll tax by laboring in person on the public highways; *provided*, that such person, on or before the first Monday in May in each year, shall have filed with the Road Commissioner of his district, a notice in writing of his intention to pay such road poll tax in labor. All labor performed on the public highways shall be done under the direction of the Roadmasters of the district, and all road poll taxes paid in labor shall be reckoned at the rate of two dollars per day, eight hours to constitute a day's labor. It shall be the duty of the Roadmasters, under the direction of the Road Commissioners, to warn all persons who have filed the proper notice to appear and perform labor upon the public highways, at such times and places as they may require labor to be performed; such notice may be either verbal or written; if written it shall be served upon the party in person, or left at his usual place of residence. All notices, either verbal or in writing, shall be served at least two days previous to the day on which the work is to be performed, and so far as practicable each person performing labor upon the public highways shall be so employed as conveniently near as may be to his place of residence. The Roadmasters shall certify to the Road Commissioner of their respective districts, the names and numbers of all persons who have performed labor on the public highways in accordance with the provisions of this section, within ten days after such labor shall have been performed, and the Road Commissioner shall upon application deliver to the persons named in such certificate the road poll tax labor receipt provided for in section five of this Act, duly signed by said Road Commissioner, and said road poll tax receipt, when presented to the Tax Collector, shall be sufficient evidence that the holder thereof has paid his road poll tax; *provided*, that if any person who shall have given notice as specified in this section, shall fail or refuse, for the period of four days after he shall have been notified so to do by the Roadmaster, to perform labor upon the public highways to the amount of his road poll tax, then it shall be the duty of the Roadmaster on the first Monday of the month next succeeding,

Collection
of road poll
tax.

to return to the Tax Collector the names of all such persons so failing or refusing to perform labor, as delinquent road poll tax payers, who shall thereafter be proceeded against by the Tax Collector as provided in section one of this Act.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CLXVII.

An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Eureka, approved April ninth, eighteen hundred and fifty-nine.

[Approved March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Officers.

Section 3. The officers of the Town of Eureka shall consist of a Board of five Trustees, a Treasurer, Marshal, and Assessor, who shall annually be elected at the regular town election held for that purpose, and shall hold their offices for the term of two years, and until their successors are elected and qualified; *provided*, that at the election to be held on the third Monday in June of the present year, two of said Trustees shall be elected for the term of one year only.

SEC. 2. Section thirteen of said Act is hereby amended so as to read as follows:

Extent of liabilities.

Section 13. The Board of Trustees of said town shall not contract any liabilities, either by borrowing money, loaning the credit of the town, or contracting debts which singly or in the aggregate shall at any time exceed the sum of ten thousand dollars; and no member of the Board of Trustees shall be directly or indirectly interested in any contract entered into by said town authorities.

Laying out streets.

SEC. 3. Upon the presentation of a petition to the Board of Trustees, signed by at least twenty resident citizens and taxpayers, asking for the opening of a street or alley within the incorporated limits of the town, and setting forth accurately the line of each proposed street or alley, together with the names of all persons, if known, over whose land the same will pass, or if not known, setting forth such fact, it shall be the duty of said Board of Trustees to set a time for the hearing of said petitioner, which shall not be less than three months from the date of making such order, and shall cause notice to be given personally to all parties not signing the petition, over whose lands the proposed street or alley is to pass, if residents of the county, or if not residents, then by publication in some newspaper printed in said town, for a period of at least eight weeks before the time fixed for the hearing of the petition;

provided, that personal service upon the authorized agent or attorney in fact of any non-resident of the county shall be equivalent to a service of notice by publication upon each non-resident. In cases where notice is served personally, it shall be made at least twenty days prior to the time fixed for hearing the matters contained in the petition authorized by this section.

SEC. 4. Any person owning lands through or upon which it is proposed to open a street or alley, and having notice thereof, and who shall desire to apply for damages in consequence, shall present his claim to the Board of Trustees on the day named in the notice, setting forth the amount and character of the land to be affected thereby, and other circumstances having relation to the subject of damages upon such land. Damages.

SEC. 5. Any person failing to make application for damages at the time and in the manner specified in section four of this Act, shall be deemed to have received the same and dedicated said land to the public. Waiver.

SEC. 6. The Board of Trustees shall pass upon any claim for damages filed, and award to the claimant an amount in their judgment deemed just. Any person dissatisfied with such award shall, within three months thereafter, commence suit in some Court of competent jurisdiction for the amount claimed, or be forever barred thereafter to maintain such action; and if in any such action the plaintiff shall fail to recover a sum greater than the award, he shall pay the costs of the suit. Appeal.

SEC. 7. No street or alley shall be opened over the land of any person within the incorporated limits of the Town of Eureka until the amount of damages awarded by the Board of Trustees, or a warrant for that amount upon the Town Treasury, shall have first been delivered or tendered to the person to whom such damages are due.

SEC. 8. Immediately upon the final judgment of any Court awarding damages to any claimants, it shall be the duty of the Board of Trustees to direct the Clerk of said Board to draw a warrant upon the Town Treasury for the amount of such judgment, and deliver the same to the party entitled. Final judgment.

SEC. 9. If upon the hearing of any petition asking for the opening of any street or alley, the Board of Trustees shall be of the opinion that the interests of the public do not demand the opening of such street or alley, they may make an order denying the passage of such petition.

SEC. 10. This Act shall take effect immediately after its passage.

CHAPTER CLXVIII.

An Act to amend an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

[Approved March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-eight of the above entitled Act is hereby amended so as to read as follows:

Fees of
Grand and
trial jurors.

Section 28. Grand and trial jurors shall receive two dollars per day for attendance upon a Court of record, and twenty-five cents per mile for traveling from their residence to the place of trial; *provided*, that in the Counties of Santa Clara and Santa Cruz they shall receive twenty cents per mile for traveling from their residence to the place of trial. No juror who shall be excused from attendance upon his own motion, on the first day of his appearance, in obedience to the venire, shall receive per diem, but mileage only. In civil cases the party in whose favor verdict is rendered, before the same be entered shall pay the jury fees, but the same may be recovered as costs from the party losing the case; *provided*, that Clerks of Courts of record shall keep an account of all moneys received for trials by each juror during the term, and if the sum so received by such juror shall not amount to two dollars per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, which shall be paid out of the County Treasury as other county dues. If in any trial in a civil case the jury be for any cause discharged without finding a verdict, the fees of the jury shall be paid by the party who demanded the jury, but may be recovered as costs if he afterwards obtain judgment; and until they are paid no further proceedings shall be allowed in the action. Jurors in a Justice's Court, in civil cases, shall receive two dollars per diem, but no mileage, to be taxed against the party losing the suit; *provided*, that in the counties of Placer, Nevada, Mariposa, Alpine, Amador, Sierra, Humboldt, Klamath, Del Norte, Tuolumne, Mono, Inyo, Fresno, Shasta, Siskiyou, and Merced, grand and trial jurors shall receive three dollars per day. On the first day of each regular meeting of the Board of Supervisors the Clerks of Courts of record shall file with the Clerk of the Board of Supervisors of their respective counties a detailed statement, containing a list of the jurors, and the amount of fees and mileage earned by each juror and paid out of the County Treasury. No allowances shall be made to any Clerk for any service performed by him, until the statement required by this section shall have been filed as aforesaid.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CLXIX.

An Act fixing the salary of the District Attorney of Lassen County.

[Approved March 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salary of the District Attorney of the County Salary of Lassen shall be eight hundred dollars per annum, payable as the salary of other county officers are paid.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall go into effect from and after its passage.

CHAPTER CLXX.

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-seven of said Act is hereby amended so as to read as follows:

Section 27. In an action affecting the title to real property, or the right to the possession of real property, the plaintiff, at the time of filing his complaint, and the defendant, at the time of filing his answer, when affirmative relief is claimed in such answer, or at any time afterwards, may record with the County Recorder of the county in which the property is situated, a notice of the pendency of the action, containing the names of the parties to and the object of the action, and a description of the property in that county affected thereby; and the defendant may also, in such notice, state the nature and extent of the relief claimed in the answer. From the time of filing for record only, shall the pendency of the action be constructive notice to a purchaser or incumbrancer of the property affected thereby.

Record o
notice of
pendency
of action.

CHAPTER CLXXI.

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-one of the above entitled Act is hereby amended to read as follows:

Service of
summons
by publication
and
otherwise.

Section 31. The order must direct the publication to be made in a newspaper to be designated as most likely to give notice to the person to be served, and for such length of time as may be deemed reasonable, at least once a week; but publication against a defendant residing out of the State or absent therefrom, must not be less than two months. In case of publication, where the residence of a non-resident or absent defendant is known, the Court or Judge must direct a copy of the summons and complaint to be forthwith deposited in the Post Office, directed to the person to be served, at his place of residence. When publication is ordered, personal service of a copy of the summons and complaint out of the State is equivalent to publication and deposit in the Post Office. In either case the service of the summons is complete at the expiration of the time prescribed by the order for publication. In actions upon contracts for the direct payment of money, the Court in its discretion may, instead of ordering publication, or may after publication, appoint an attorney to appear for the non-resident, absent, or concealed defendant, and conduct the proceedings on his part.

SEC. 2. An Act entitled an Act to amend an Act entitled "An Act to regulate proceedings in civil cases in Courts of justice of this State," passed April twenty-ninth, eighteen hundred and fifty-one, approved March twenty-ninth, eighteen hundred and seventy, is hereby repealed.

CHAPTER CLXXII.

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five hundred and sixty-seven of said Act is amended so as to read as follows:

Section 567. The qualifications of sureties in the several undertakings required by this Chapter shall be as follows: Sureties on undertakings.

First—Each of them shall be a resident and householder or freeholder within the county.

Second—Each shall be worth the amount stated in the undertaking, over and above all his debts and liabilities, exclusive of property exempt from execution.

CHAPTER CLXXIII.

An Act to provide for the government of the County of San Diego.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County of San Diego shall be governed by a Board of Supervisors, which shall consist of five members, who shall have such powers as are hereinafter conferred upon them, and such further powers and be subject to such limitations and restrictions as are conferred upon Boards of Supervisors by an Act entitled "An Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers," approved March twentieth, eighteen hundred and fifty-five, and of the various Acts amendatory thereof and supplementary thereto, so far as the same are applicable to San Diego County, except as herein otherwise specially provided; which Board of Supervisors shall be a body politic and corporate, by the name and style of the Board of Supervisors of the County of San Diego, and by that name they and their successors shall be known in law, shall have perpetual succession, may make, have, alter, and renew a common seal, may sue, complain, and defend in all Courts, and in all actions and proceedings whatsoever, and may purchase and hold real estate and personal property, and receive or hold, both by legacy or donation, for the county or in trust for the use of common schools, or for a Poorhouse, Almshouse, Hospital, or indigent sick, and they may do all such other things, perform all such other acts, and exercise all such other powers as by this Act or by any other law are or may be granted them to do, perform, or exercise, except as otherwise in this Act provided; but none of the lands, tenements, appurtenances, franchises, taxes, revenues, actions, choses in action, property, or effects of any kind or nature whatsoever belonging to said corporation or to said county shall be taken in attachment or execution, or be subject to levy or sale upon any process, either original, mesne, or final. Any taxpayer of the county or other person interested therein may by proper proceedings contest or inquire into the legality or illegality of any order or allowance, in whole or in part, or any part thereof, made by said Board of Supervisors. San Diego County government.

Supervisor
districts.

SEC. 2. The County of San Diego shall be divided into four Supervisor Districts, which shall be known and designated as follows: District Number One shall be composed of the Townships of San Luis Rey, Temicula, and San Jacinto, as now defined by order of the Board of Supervisors of said county; District Number Two, of the Townships of Agua Caliente, Milguatay, Colorado, and the voting precincts of Central Jamul, as now defined by order of the said Board; District Number Three, of the voting precincts of North San Diego, San Dieguito, and the Township of San Bernardo, including the voting precincts of Poway and San Pasqual, as now defined by said Board; District Number Four, of the voting precincts of San Diego, National City, and Monument, as now defined by said Board.

Election of
Supervisors

SEC. 3. At the general election of the year one thousand eight hundred and seventy-three, and biennially thereafter, there shall be elected by the qualified electors of each of said districts one Supervisor, who shall be a resident taxpayer and qualified elector of the district; and there shall be elected at the same time by the qualified electors of said county one Supervisor at large for the county, who shall be a resident taxpayer and qualified elector of the county, and who shall be ex officio Chairman of the Board. Said Supervisors shall enter on their duties on the first Monday of the month next succeeding their election, and shall hold their office for the term of two years, and until their successors are elected and qualified. Whenever a vacancy occurs in the Board of Supervisors from failure to elect or otherwise, the County Clerk of the county shall call a special election, to be held after twenty days public notice, to fill such vacancy.

Regular
meetings.

SEC. 4. The regular terms of the Board of Supervisors shall be held at the county seat on the first Monday of April, July, October, and January of each year, and shall continue from time to time until all the business before them is disposed of, and meetings shall also be held by them to canvass the election returns in said county at such times as are or may be prescribed by the laws regulating elections, as well as for special business. Each member shall receive the sum of six dollars per day for each day necessarily employed in attending the meetings of said Board, and twenty cents for each mile necessarily traveled in going to and from the county seat; *provided*, that no charge shall be made for more than one trip going from and returning to the residence of such Supervisor at each term or special meeting of said Board held in said county; and *provided* further, that no Supervisor shall receive any pay or compensation whatever other than is provided in this section, excepting when he is sitting as a member of the Board of Equalization, for which he shall receive one mileage and the per diem allowed by this section; and *provided* further, that if the Board of Supervisors and the Board of Equalization are both in session on the same day, but one per diem or mileage shall be allowed.

Proceed-
ings.

SEC. 5. Every session of the Board of Supervisors shall be public. All elections or appointments shall be made viva voce. The ayes and noes shall be taken and recorded upon any question pending upon the demand of one member, and all records

of their proceedings, and all books, papers, and documents belonging to their office shall be open to public inspection during office hours. The record of each day's proceedings shall be read, corrected, and approved in open Board, and shall then be signed by the Clerk and presiding officer, and records of such corrections shall be made in the proceedings of the session making the same, and no corrections shall be made after the final adjournment of the Board.

SEC. 6. The Board of Supervisors shall have and they are hereby invested with power, subject to the limitations of this Act or any other laws, to sell, lease, control, and take care of the property of the county; *provided*, however, that no real estate shall be sold except at public auction to the highest bidder, nor shall any of the public buildings of the county be sold, nor the real estate upon which any of them may be situated; to examine all claims against the county, and allow such or part thereof as are legal; to levy taxes, and cause the same to be collected; to examine, audit, reject, cause to be corrected, or pass or allow the accounts of any officer or other person having the custody, management, collection, or disbursement of any money collected for, belonging, appropriated, or appertaining to the State or county, or to any of their or either of their uses or trusts; to lay out, control, vacate, and manage public roads, turnpikes, and bridges in the manner provided by law; to make and establish road districts, and appoint Road Overseers; to license toll roads, ferries, and bridges, under the statutes regulating the granting of such licenses; to fix the amount of any bridge license or ferry license, and to regulate the rate of tolls that may be collected thereon; *provided*, that all costs of advertising or posting notices of the application for any ferry or bridge license, or of the time when the application will be heard, or of the notice when the application for the opening or vacating any public road will be heard, shall be paid by the applicants, and shall in no case be allowed by the Board or be paid out of the Treasury; to provide a Court House, Jail, Hospital, and Poorhouse; to divide the county into townships, and to change the same, and to make new ones; to provide for the feeding, clothing, etc., of the county prisoners; to provide for the care, management, and control of a Hospital and Poorhouse, and to determine who shall be admitted thereto; to regulate roads and highways, bridges, and ferries, and the powers and duties of Road Overseers, and to create road and school districts.

SEC. 7. There shall be elected at the general election of the year one thousand-eight hundred and seventy-three, and at the general election every two years thereafter, by the electors of the county, a Sheriff, a County Clerk (who shall be ex officio County Recorder, Auditor, Clerk of the Board of Supervisors, Clerk of the Board of Equalization, and Clerk of the District, County, and Probate Courts in said county), a Treasurer, a District Attorney, an Assessor, a Public Administrator, a Coroner, a County Surveyor, and a Superintendent of Common Schools, and two Constables for each township; and the persons

Powers and
duties.

Election of
county
officers.

so elected shall take office on the first Monday of March next succeeding their election, and shall hold for two years, and until their successors are elected and qualified.

Vacancies. SEC. 8. Whenever a vacancy shall occur in or the qualified electors of the county or township shall fail to elect to any county or township office, other than the office of County Judge or Supervisor, the Board of Supervisors shall, at any meeting of the Board, appoint some suitable person and elector of the county or township to fill the vacancy until the election and qualification of a successor. No appointment shall be made except upon petition, signed by not less than thirty qualified electors of the county, if for a county office, or by not less than fifteen of the qualified electors of the township, if for a township office.

Funding Commissioners. SEC. 9. In order to fund certain indebtedness of the County of San Diego, the Chairman of the Board of Supervisors, the County Auditor, and County Treasurer of said county, and their successors in office, shall constitute a Board of Commissioners, to be styled the Funding Commissioners of the County of San Diego, and shall have and exercise the powers and perform the duties hereinafter provided.

County bonds. SEC. 10. It shall be the duty of said Funding Commissioners to cause to be prepared bonds of said county, in not less than the sum of one hundred dollars nor more than five hundred dollars each, bearing interest at the rate of seven per cent per annum from the date of their issue. Said bonds shall bear the date of their issuance, and shall be made payable at the office of said Treasurer, on the first day of January, one thousand eight hundred and eighty-two. The interest accruing on said bonds shall be due and payable on the first day of January, one thousand eight hundred and seventy-three, after which time the interest shall be due and payable on the first day of July and January of each year, until said bonds shall be paid and liquidated. The interest on said bonds shall be made payable at said Treasurer's office. Said bonds shall be signed by the Chairman of the Board of Supervisors, the County Auditor, and the County Treasurer of said county, and shall be under the seal of said county.

Interest. SEC. 11. Coupons for the interest shall be attached to each bond, so that the same may be removed without mutilation to the bond. Said coupons shall be signed by the Chairman of the Board of Supervisors and the County Treasurer. The first coupons shall be for the interest from the date of the issuance of the bond to which the same is attached up to the first day of January, one thousand eight hundred and seventy-three. Where any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons, if not previously detached, for the interest then due and paid, and deliver the same over to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office.

Outstanding warrants. SEC. 12. All persons having any indebtedness of the County of San Diego, payable on or before the twenty-fifth day of April, eighteen hundred and sixty-eight, in warrants drawn upon the Treasurer, shall be entitled to the privilege of funding

the same, by virtue of this Act, upon surrendering the same to said Funding Commissioners on or before the first Monday of July, one thousand eight hundred and seventy-two.

SEC. 13. Said Funding Commissioners shall compute the amount of interest due on all warrants which may be presented to them for funding from their date up to the time the same shall be funded, and shall issue to the holders of the same, bonds in sums as provided in this Act for the principal of said warrants and all interest which may have accumulated upon the same up to the day of the issue of said bonds.

SEC. 14. It shall be the duty of the Treasurer and the Auditor of said county each to keep separate records of all such bonds as may be issued, showing the number, date, and amounts of said bonds, and to whom the same were issued. It shall also be the duty of said Treasurer and Auditor each to keep a separate record of all the indebtedness of said county funded under the provisions of this Act, showing the nature of the same and to whom issued, the date and amount thereof, and by whom presented, and the time of funding the same. It shall be the duty of the County Treasurer of said county to indorse over his signature as such Treasurer, on the back of such warrants as may be funded under this Act, the words "Canceled by funding," with the date thereof, and deliver the same over to the County Auditor, who shall receipt to the Treasurer and file the same in his office. Separate records of bonds.

SEC. 15. The Board of Supervisors are hereby authorized and required, on the first Monday of April in each year, to levy an annual tax of two dollars upon every one hundred dollars' valuation of real estate and personal property within the county, which shall be collected in the manner prescribed by law, and when paid into the County Treasury shall be distributed into Funds as follows: Ten per cent into a School Fund, to be used for school purposes, as provided by law; five per cent into a Road Fund, to be used in the construction and repairing of public roads and highways; twenty-one per cent into a County Contingent Fund, to be used in the payment of the contingent expenses of the county not otherwise provided for; fourteen per cent into an Interest Fund, to be used in the payment of the interest on the bonds which may be issued under this Act; twenty-five per cent into a Salary Fund, to be used in the payment of the salaries of the county officers, as herein-after provided; fifteen per cent into an Interest and Building Fund, to be used in the payment of the interest and principal of the bonds issued pursuant to an Act entitled "An Act to authorize the issue of bonds by the County of San Diego to erect county buildings," approved March twenty-ninth, one thousand eight hundred and seventy, as in said Act provided, and to be in lieu of the tax authorized to be levied by that Act; and ten per cent into a Redemption Fund, to be used in the redemption of warrants drawn or to be drawn on the Contingent Fund from the twenty-fifth day of April, one thousand eight hundred and sixty-eight, up to and including the first day of August, one thousand eight hundred and seventy-two, and of the county bonds issued on or before July second, one thousand eight hundred and fifty-five, in the manner in this Act provided; *provided*, that all Levy and collection of annual tax, and distribution thereof

Redemption Funds.

moneys now in the Floating Debt Redemption Fund and the Funding Debt Redemption Fund, or which may come into either of said Funds, shall be placed in said Redemption Fund, to be paid out as in this Act provided; and *provided* further, that said Contingent Fund shall be first applied to the payment of the expenses of feeding and clothing the county prisoners and the indigent sick in the County Hospital; and *provided* further, that the several Funds in this section created shall be used only in the manner herein provided, except for the payment of the interest on the bonds issued for the erection of county buildings, pursuant to said Act of March twenty-ninth, eighteen hundred and seventy, as in that Act provided; and *provided* further, that the annual taxes for the year eighteen hundred and seventy-two, may be levied by the Board of Supervisors at any regular or special meeting during the month of April in said year. Any violation of any of the provisions of this section shall be deemed a misdemeanor and punished accordingly.

Manner of redeeming bonds.

SEC. 16. Whenever the said Redemption Fund shall contain the sum of five hundred dollars, the County Treasurer shall advertise once a week in any newspaper published in said County of San Diego, or if there should be no newspaper, by posting notices in writing in three or more public places in the county, that sealed proposals directed to him for the surrender of county warrants drawn on the Contingent Fund from the twenty-fifth day of April, one thousand eight hundred and sixty-eight, up to and including the first day of August, one thousand eight hundred and seventy-two, and of bonds of said county outstanding issued on or before the second day of July, one thousand eight hundred and fifty-five, will be received by him up to the last day before the next regular term of the Board of Supervisors of said county.

Acceptance of bids.

SEC. 17. After such advertisement shall have been duly made on the first day of the regular term of the Board of Supervisors, thereafter they, with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all proposals and accept the lowest bids for the surrender of said warrants or bonds; *provided*, that no bid for more than the par value of said warrants or the par value of said bonds, with the interest due thereon, or any bid unless accompanied by the warrants or bonds proposed to be surrendered, shall be accepted.

Duties of Treasurer and Auditor.

SEC. 18. Whenever any bids are accepted the County Auditor and Treasurer shall each take a description of the number and amounts of the warrants or bonds to be redeemed, specifying the amount to be paid for each, and making a several record thereof in their respective offices; and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants or bonds designated in the accepted bids and pay for the same out of the said Redemption Fund; and the warrants or bonds so redeemed shall be indorsed by the County Treasurer "Purchased," with the date thereof and the amount paid for the same, and he shall deliver the same over to the County Auditor, taking his receipt therefor, who shall file the same in his office. The order of the Board of Supervisors directing the County Treasurer to purchase said warrants or bonds, together with the record made by the County Auditor,

shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids being equal, the preference shall be given to the smallest amount of warrants or bonds respectively; the bids and amounts being equal, each shall be accepted pro rata, or as nearly as possible; *provided*, that the bids being equal the preference shall in all cases be given to the bonds, whether the amount be equal or not. The County Treasurer shall return all unaccepted bids, together with the warrants or bonds therein contained, to the owners on demand.

SEC. 19. The Treasurer shall receive, when presented to him in the manner provided in section twenty-six of this Act, and place in the proper Fund or Funds all moneys belonging to or paid into the County Treasury; and he shall keep all such moneys in a secure fireproof vault or safe provided for the purpose by the county, and he shall neither use nor loan said moneys, nor any part thereof, nor deposit the same or any part thereof with any banker or other person, nor pay out any of said moneys except upon warrants drawn by the Auditor on claims authorized by law and duly audited and allowed, except as otherwise provided by law; nor shall he pay any demand against one Fund out of the moneys belonging to another, except as in this Act provided; *provided*, that in any settlement with the State the Auditor shall draw his warrant for the amount due the State; and *provided* further, that he may pay out county school moneys upon the warrant of the Superintendent, after such warrant has been charged and indorsed by the Auditor. He shall keep the key of his vault or safe, and shall not suffer such vault or safe to be open except in presence of himself or of some person who has been duly authorized in writing and qualified as his clerk or deputy. And if the Treasurer shall violate any of the provisions of this section he shall be guilty of felony, and upon conviction thereof shall be imprisoned in the State Prison for a term not exceeding five years, and shall be removed from office.

County
Treasurer.

SEC. 20. The Clerk of the Board of Supervisors shall be present at each meeting of the Board and keep a record of their proceedings, and shall have the care of all books, papers, and archives belonging to the Board; shall do and perform such other services as the Board may direct. He may administer oaths and affirmations in any investigations or other proceedings before the Board, or touching any claim presented or account rendered, and he shall number, date, and file, in the order in which they are presented, all claims presented for the action of the Board.

Clerk of
Board of
Supervisors

SEC. 21. No demand whatever shall be audited or paid until it has been presented to and allowed by the Board of Supervisors, and the Supervisors shall act on, allow in whole or in part, or reject, in the order in which they were presented, all claims against the county; *provided*, however, that no claim shall be allowed or acted on unless it is filed within a year from the time it accrues; *provided*, that no claim shall be filed, considered, or allowed, unless such claim shall be made out in items, with date, together with the amounts charged for each item affixed thereto, and accompanied with an affidavit to be filed with such claim or account made by the person presenting or claiming the same

Examina-
tion of
claims.

that the items are correct, and stating that no part thereof has been paid or satisfied; *provided*, that nothing in this section shall prevent the Supervisors from disallowing any account, in whole or in part, when so rendered and verified, nor from requiring any other or further evidence of the truth and propriety thereof as the said Board may think proper.

Registration of claims.

SEC. 22. The Auditor shall number, in the order of their allowance by the Board of Supervisors, all claims allowed by them, and shall enter them of record on his books in that order, and said books shall also show the number, date of allowance, the amount allowed, and the party in whose favor it was allowed; and after he has acted on such claims he shall add to the record the date of his action, the approval or rejection, and, if approved, the Fund or Funds out of which payable.

Payment of claims.

SEC. 23. Every claim allowed by the Supervisors shall after such allowance be carefully examined by the Auditor to ascertain whether or not it is correct, whether the money is due, and if so, out of what Fund it is payable. After such examination he shall either approve or reject the claim in whole or in part, and indorse over his signature his action thereon, and shall also make the record thereof required by section twenty-two. If he approves the claim he shall indorse the Fund or Funds out of which it is payable. If he rejects it or any part of it, unless the party presenting it is willing to take the sum approved in full for the entire demand, he shall return it with his reasons in writing for rejecting it to the Supervisors, when, if it is allowed by the vote of all the members, it shall be paid in the same manner and in the same order as if it had not been rejected; and no claim which has been rejected by the Auditor, and which then on its final passage fails to receive the vote of all the members of the Board of Supervisors, shall ever again be considered either by the Supervisors or Auditor.

County Auditor.

SEC. 24. The Auditor shall keep a complete set of books for the county, with proper indexes, in which shall be set forth in plain and business-like manner every monetary transaction of the county, so that he can tell the exact condition of the Treasury, and of each particular Fund, and of the amount allowed and approved against it, and also so that he can tell where the money came from, what Funds it belonged to, for what purpose it was expended, and what are the deficiencies or the balances on hand, and also what officers or other persons have paid, and how much was received from each. The Auditor shall also perform such other duties as may be required of or imposed on him by law or by the order of the Board of Supervisors.

Claims of county officers.

SEC. 25. No claim on the Treasury shall be allowed by the Board of Supervisors or be approved by the Auditor in favor of any person or his assigns having the care, collection, custody, or disbursement of any public moneys who withholds any part thereof, nor in favor of any officer who neglects to make his official returns or reports as required by law, or any order or regulation of the Supervisors, nor to any officer who, after notice from the Board of Supervisors, fails, neglects, or refuses to comply with the provisions of any law or legal order or ordinance made by the Supervisors.

SEC. 26. Every officer or other person having any moneys payable into the Treasury of the county, shall inform, the Auditor thereof, and procure from him unsigned receipts in duplicate, which receipts shall state the amount of money to be received by the Treasurer, the source whence it came, the Fund, or Funds, if more than one, to which it belongs, and the amount belonging to each. The Treasurer, upon receiving the amount named, shall place it in the Fund specified and indorse upon one of the receipts an acknowledgment of the money and a request to the Auditor to receipt for the same. The indorsed receipt shall be filed by the Auditor and the amount charged to the Treasurer, and upon the other receipt the Auditor shall certify the fact that the money has been paid into the Treasury; but nothing but the gold and silver coin or gold notes of the United States shall be received in payment of any taxes, licenses, fines, forfeitures, or other revenues of any kind or nature to be paid into the County Treasury or to be received by the County Treasurer.

Payment of
funds into
County
Treasury.

SEC. 27. No receipt for money paid or purporting to be paid into the County Treasury or to the Treasurer, excepting the certificate of the Auditor, as provided in the last preceding section, shall be valid for any purpose whatever except as between the county and the Treasurer; nor shall any other receipt be used in evidence in any case or for any purpose excepting in an action by the county against the Treasurer or his bondsmen. This section shall be written or printed on the receipts furnished by the Auditor.

Receipts.

SEC. 28. At the first regular meeting of the Board of Supervisors of each quarter, the Auditor shall prepare a statement, under oath, giving the total receipts during the quarter last preceding, particularizing each source of revenue, and stating the amount of each, and giving the Funds into which the gross amount was separated, and the amount to each, and the aggregate amount then in each Fund, stating the amount paid out of each Fund and the amount of warrants outstanding against it, and generally to make a complete exhibit of all the financial transactions of the last preceding quarter and of the condition of the County Treasury.

Auditor's
quarterly
statement.

SEC. 29. The compensation of county officers shall be as follows: The County Judge shall receive a salary of one thousand dollars per annum; the County Treasurer shall receive a salary of twelve hundred dollars per annum, and also the commissions allowed by the State for the collection of State taxes and heretofore paid into the General County Fund; the District Attorney shall receive a salary of nine hundred dollars per annum, and such fees and percentages as are allowed by an Act entitled "An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto," approved March fifth, eighteen hundred and seventy; *provided*, however, that in all criminal cases where the fees allowed him cannot be collected from the defendant, the same shall become a county charge; the Assessor shall receive a salary of nine hundred dollars per annum, in lieu of all other salary and compensation now allowed him, except that he shall be entitled to one Deputy, who shall be allowed five hundred dollars per

Salaries of
county
officers.

annum, to be allowed by the Board of Supervisors, and payable out of the Contingent Fund; the School Superintendent shall receive a salary of one thousand dollars per annum. The other officers shall receive such salaries and fees as are allowed by the Act of March fifth, eighteen hundred and seventy, above referred to. The County Auditor shall audit monthly the salaries of the respective county officers, and draw his warrants on the County Treasurer in favor of such officers respectively for the proportionate amount of such salary, which shall be due and payable on the last day of each month in every year, out of the Salary Fund.

Monthly
statements
by
Collectors.

SEC. 30. Every county or township officer collecting or receiving any money for the State or county, or for any or either of their purposes, uses, or trusts, under or by virtue of the provisions of any law whatever, shall, on or before the first Monday in each and every month, or within five days thereafter, pay the same to the County Treasurer, and file with the Auditor a statement, under oath, of the amount of money so collected by him during the last preceding month, and the source from which it is received, and that the account or statement of such moneys is true and correct in every particular, and he shall at the same time file with the Auditor a Treasurer's receipt for the whole of said money required by law to be paid to said Treasurer; and if any officer having the custody or control of any money collected for or belonging to the State or county shall fail to make a statement thereof or to make payment to the Treasurer on or before the first Monday in each and every month, or within five days thereafter, as in this section required, he shall be guilty of a misdemeanor, and punished accordingly, and shall be removed from office.

Official
bonds.

SEC. 31. The Board of Supervisors shall fix the amount of the official bonds of the several county officers, and also of Road Overseers, Justices of the Peace, Constables, and other district or township officers. All official bonds shall be to "The People of the State of California," but any such bond may be sued on, without assignment, by any party damaged by the official act of the principal in such bond. The bond shall be joint and several in form, but each surety may fix the amount for which he is held, and no judgment shall be rendered against him for a greater sum than the amount so fixed. Every official bond shall be approved by the Board of Supervisors in open session, which fact shall be entered in the minutes and be indorsed on the bond by the Clerk, and it shall then be approved by the County Judge; *provided*, however, that when any other law fixes a minimum for the penalty of an officer's bond, the Supervisors shall not have power to fix a less amount. The County Clerk shall be custodian of all official bonds, excepting his own, which shall be in the custody of the County Treasurer.

Supervisors
may
require new
bonds to be
filed.

SEC. 32. Whenever, from death, insolvency, absence, application of a bondsman to be released, or other good cause, the Supervisors become dissatisfied with the sureties on any official bond, or when, in their opinion, the penalty in any such bond is too small, they may cite the officer to file a new bond within the time of ten days, or otherwise to appear before them and show cause why he should not do so; and if at the hearing, good

cause therefor being shown, they shall order such officer to file such new bond, and if he shall fail to do so, his office shall be declared vacant.

SEC. 33. The President of the Board of Supervisors and the Auditor shall at least once in each quarter examine the books and vouchers of the Treasurer and other officers having the collection, care, custody, control, or disbursement of any public money, and they shall also, at the same time, ascertain by actual count that the Treasurer has on hand the amount of money which the Auditor's book and his vouchers require to be on hand, and they shall file with the Supervisors a statement of the amount and kind of money they find, and to which Fund it belongs; and if they ascertain that any officer has violated or is violating this Act, they shall, by written notice, suspend him from office, and appoint a temporary officer in his place, who shall qualify and take possession, and the President and Auditor shall make complaint forthwith against the suspended officer, so that the matter may be tried and determined. All proceedings against such suspended officer provided for in this Act shall be had in the District Court of the county.

Quarterly
examina-
tions of
Treasurer's
accounts.

SEC. 34. The Clerk of the County Court shall, upon demand, issue subpoenas under the seal of the Court requiring any person to appear before the Supervisors and testify in any matter pending before them. Such subpoenas may be served in the same manner as other subpoenas; and any disobedience thereto or any refusal to testify before the Board shall be punished for contempt by the County Judge in the same manner as though the contempt had been committed in his Court; *provided*, that said Clerk shall not receive any fees for issuing such subpoenas.

Subpoenas.

SEC. 35. No property belonging to the county shall be leased for a longer period than two years; and no property belonging to other parties shall be leased for the use of the county for a longer period than two years; and no Board of Supervisors shall make any contract extending beyond their term of office.

Leases and
contracts.

SEC. 36. Whenever an account has been allowed by the Board of Supervisors and approved by the Auditor, the Auditor shall draw his warrant therefor on the proper Fund, as in this Act provided, preserving on the tag in the margin of the book from which the warrant is taken a memorandum of its number, the date of its issuance, the date of the allowance of the account, its amount, to whom allowed, and the Fund out of which it is payable; and he shall also enter in his record, opposite the registry of the claim, the number of the warrant drawn; and he shall, on the last Saturday in each month, furnish the Treasurer with a record (in the order in which the accounts were allowed and the warrants drawn) of all warrants drawn during the month, their respective numbers, amounts, in whose favor, and on what Fund, and the Treasurer shall pay them in such order whenever there is any money in the Fund applicable thereto.

Auditor's
warrants.

SEC. 37. The fiscal year shall commence on the first Monday in April of each year.

Fiscal year.

Auditor's
monthly
statement.

SEC. 38. On the last Saturday in each month the Auditor shall prepare a statement, under oath, giving the total receipts during the month, particularizing each source of revenue, and stating the amount of each, giving the Funds into which the gross amount was separated, and the amount to each, and the aggregate amount then in each Fund, stating the amount paid out of each Fund and the amount of warrants outstanding against it, and generally to make a complete exhibit of all financial transactions of the month and of the condition of the Treasury, and file the same with the Board.

Contingent
Fund.

SEC. 39. All moneys derived from any source for which a Fund is not by this Act specially provided shall be paid into the Contingent Fund of the county.

County
Judge.

SEC. 40. There shall be elected by the qualified electors of the county, at the time and in the manner provided by law, in the year eighteen hundred and seventy-five, and every four years thereafter, one County Judge, who shall hold his office for the term of four years, and until his successor is elected and qualified. There shall also be elected, at the time and in the manner provided by law, in the year eighteen hundred and seventy-three, and every two years thereafter, by the qualified electors of their respective townships, two Justices of the Peace for each township of the county, who shall hold their office for the term of two years and until their successors are elected and qualified.

Justices of
the Peace.

Restriction
of taxation.

SEC. 41. The Board of Supervisors shall not be authorized to levy any other or greater taxes for county purposes than are specially provided to be levied in this Act; *provided*, however, that, in addition to the county tax of two dollars hereinbefore authorized to be levied, said Board, at the time of the levy of the other county tax, shall be authorized to levy a tax not exceeding twenty cents upon each one hundred dollars valuation of property within said County of San Diego, if they should deem the same advisable or necessary, which, when collected, shall be placed in the Interest and Building Fund. At the beginning of any fiscal year the Board of Supervisors are authorized to transfer the surplus in any of the different Funds created by this or any other Act to any Fund or Funds in which there shall be a deficiency; but nothing in this section shall interfere or prevent the levy by said Supervisors of the road poll tax now prescribed by law to be levied.

Transfer of
Funds.

Close of the
fiscal year.

SEC. 42. At the close of any fiscal year the County Auditor shall turn over to the Board of Supervisors all such warrants and bonds as may be funded or redeemed under this Act, and also all such warrants as have been drawn upon the County Treasurer for over one year, and which shall remain in his office uncalled for by the parties entitled to the same. And it shall be the duty of the Chairman of said Board, in the presence of the members of said Board and of said County Auditor, to cause said warrants and bonds to be destroyed by burning. Said Auditor shall keep in his office a record of all such warrants as have been drawn but not delivered, which may be destroyed, pursuant to the provisions of this section, giving the numbers, amounts, and dates of the same, and in whose favor and on what Fund drawn.

SEC. 43. The order of the Board of Supervisors of said County of San Diego, dated January twenty-fifth, eighteen hundred and seventy-one, directing the County Treasurer to transfer the money from the "Interest Tax Fund" to the "Funded Debt Redemption Fund," and the transfer made pursuant thereto, and the order of the said Board, made on the twentieth day of July, eighteen hundred and seventy, directing said Treasurer to purchase certain warrants with the money in the said "Floating Debt Redemption Fund" at eighty cents on the dollar, and the payment of such warrants (being warrants against said county outstanding on the first day of April, one thousand eight hundred and sixty-eight) by the Treasurer pursuant to said order, and the order of said Board, made the eleventh day of November, eighteen hundred and seventy, directing said Treasurer to pay off certain bonds of said county out of the "Funded Debt Redemption Fund" at eighty cents on the dollar, and the payment by said Treasurer pursuant thereto—all of said orders and payments shall be and the same are hereby legalized and made valid.

Transactions
legalized
and
made valid

SEC. 44. All officers provided to be elected, appointed, or named under the provisions of this Act shall, before entering upon the duties of their respective offices, execute and file, in the manner and form provided by law, such official bonds as may be required of them by the Board of Supervisors, and shall take the oath of office.

Official
oaths and
bonds.

SEC. 45. The District Attorney shall attend all meetings of the Board of Supervisors, and give such advice and render such assistance to the said Board as may be required of him, without being entitled to receive any further compensation for such services.

District
Attorney.

SEC. 46. The Sheriff of the County of San Diego shall be ex officio Tax Collector in said county, with the same compensation as now fixed by law.

Sheriff.

SEC. 47. An Act to provide for the government of the County of San Diego, approved March eighteenth, one thousand eight hundred and sixty-eight, be and the same is hereby repealed.

SEC. 48. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXXIV.

An Act in relation to fence and pound districts in the County of Sonoma.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Upon the petition of a majority of the electors of Petition. Sonoma County, or upon the petition of a majority of the electors of any Supervisor District in the county, the Board of

Supervisors of Sonoma County must declare the county or the district as the case may be, a fence district, if such is the prayer of the petition, or a pound district if such is the prayer of the petition.

When
presented.

SEC. 2. The petition, in either case, must be presented at a regular meeting of the Board of Supervisors, and must be acted upon at the next regular meeting thereof.

SEC. 3. At the time of making the order, the Board of Supervisors must:

Fence
district.

First—If the petition is for a fence district, adopt rules and regulations for the government of land owners and residents of such districts, in the erection and maintenance of fences, prescribe their character, and the material of which they must be composed, and define the rights secured by an observance of such rules and regulations, and the forfeitures and penalties for their non-observance;

Pound
district.

Second—If the petition is for a pound district, adopt rules and regulations for the impounding of animals found running at large therein, and for the sale and disposition of the animals impounded; and must also appoint and prescribe the duties and fix the compensation of a Poundmaster for the district.

SEC. 4. The rules and regulations so adopted shall have the force and effect of general laws of the State, and take effect sixty days after their adoption.

Establish-
ment.

SEC. 5. The order declaring a fence or pound district must be entered upon the records of the Board of Supervisors, and must contain:

First—A recital of the fact of the presentation of the petition.

Second—A recital that it was signed by a majority of the electors of the county or district, as the case may be.

Third—That it was presented at one regular meeting and acted upon at the next.

Fourth—A copy of the rules and regulations provided for in section three.

Fifth—The boundaries of the districts, when it is composed of less than the whole county.

Sixth—A declaration of the action of the Board of Supervisors.

Time of
existence.

SEC. 6. Fence or pound districts, once established, must not be altered or abolished, or the rules and regulations relating thereto be changed or abrogated for a period of three years thereafter.

Orders
made
public laws

SEC. 7. Neither the order of the Board of Supervisors creating fence or pound districts, nor anything recited or copied therein in pursuance of the provisions of section five, need be pleaded or proved in any action or proceeding, but the Court, Judge, or Justice, as the case may be, must take judicial notice thereof in like manner and with like effect as if the same were parts of the general laws of this State.

Publication

SEC. 8. All ordinances establishing fence or pound districts, providing rules or regulations for the government of the same, must be published for a period of thirty days in some newspaper published in the county, and if there is none, then in a paper published nearest thereto, and posted up at the Court

House and four other public places in the county, before such ordinances, rules, and regulations take effect.

SEC. 9. This Act shall apply to the County of Sonoma only.

SEC. 10. This Act shall take effect immediately.

CHAPTER CLXXV.

An Act to amend an Act entitled "An Act to protect the wages of labor," approved March twenty-first, eighteen hundred and sixty-eight.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. That in all assignments of property, whether real or personal, which shall hereafter be made by any person or chartered company or corporation, or by any person or persons owning or leasing real or personal property, to trustees or assignees, on account of inability at the time of the assignment to pay his, her, or their debts, or in proceedings in insolvency, the wages of the miners, mechanics, salesmen, servants, clerks, or laborers employed by such person or persons, or chartered company or corporation, shall be held and deemed preferred claims, and paid by such trustees or assignees, before any other creditor or creditors of the assignor; *provided*, that the claims of each miner, mechanic, salesman, servant, clerk, or laborer thus preferred shall not exceed in value two hundred and fifty dollars of gold coin of the United States, and the services shall have been rendered or labor performed within ninety days next preceding said assignment or the filing of said proceeding in insolvency.

Workmen
preferred
creditors.

Limit.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Section 2. That in all cases of the death of any employer or employers the wages of each miner, mechanic, salesman, servant, clerk, and laborer, for services rendered or labor performed within ninety days next preceding the death of the employer shall rank after the funeral expenses of the last sickness, the charges and expenses of administering upon the estate, and the allowance to the widow and infant children, and be paid, pro rata, before all other claims against the estate of the deceased person or persons; *provided*, this Act shall in no way affect the homestead or other property exempted by law from forced sale, or any mortgage or lien lawfully obtained on the property of the deceased person before his or her death.

Estates of
deceased
persons.

SEC. 3. Section three of said Act is hereby amended so as to read as follows:

Workmen
to give
notice of
claim.

If claims
disputed.

Costs.

Act not to
apply.

Section 3. In all cases of execution, attachments, and writs of a similar nature against the property of any person or persons, or chartered company or corporation, it shall be lawful for such miner, mechanic, salesman, servant, clerk, and laborer, to give notice of their claim or claims, and the amount thereof, duly certified and sworn to by the creditor or creditors making the claim, to the officer executing either of such writs, at any time before the actual sale of property levied on, and such officers shall pay to such miners, mechanics, salesmen, servants, clerks, or laborers, out of the proceeds of the sale, the amount each is justly and legally entitled to receive for services rendered, within ninety days next preceding the levy of the writ of execution, attachment, or other writ, not exceeding two hundred and fifty dollars, in gold coin of the United States; *provided*, if any or all of the claims so presented and claiming preference under this section shall be disputed by either the debtor or the creditor, the person presenting the same shall commence an action within ten days for the recovery thereof, and shall prosecute his action with due diligence, or be forever barred from any claim of priority of payment thereof; but in case action is rendered necessary by the Act as aforesaid of either debtor or creditor, and judgment shall be had for said claim, or any part thereof, carrying costs, the costs attending the prosecution of said action and legally taxable therein shall likewise be a preferred claim, with the same rank as the original claim; and *provided* further, if the amount of assets, after deducting costs of levy and sale, shall not be adequate to the payment of all the preferred claims of this class, they shall be paid pro rata out of the money hereby made applicable thereto; and *provided* further, that nothing in this Act contained shall be construed to affect any homestead claims, mortgage, or lien of any description, created and existing before the claim of such laborer accrued.

SEC. 4. This Act shall be in force from and after its passage.

CHAPTER CLXXVI.

An Act to provide for the building of a bridge across Alameda Creek in the County of Alameda.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To issue
bonds.

SECTION 1. The County Auditor of the County of Alameda is hereby authorized and directed, upon the order of the Board of Supervisors of Alameda County, to issue bonds of said county, not exceeding fifteen thousand dollars. Said bonds shall be signed by the County Auditor, and countersigned by the County Treasurer of said county, and shall be of the denomination of

five hundred dollars each, payable in gold coin of the United States, and shall bear interest at the rate of ten per cent per annum, in like gold coin, payable semi-annually. Said bonds shall be made payable ten years from the date of issue, and redeemable after five years from the date of their issue, at the option of the Board of Supervisors of said county.

SEC. 2. Said bonds and their proceeds, when so issued, shall only be used by the said Board of Supervisors to build and construct a suitable bridge across the Alameda Creek, at or near Niles Station, on the county road leading from the Town of Haywards to the Mission of San Jose, in the said County of Alameda, and said Board of Supervisors shall have full power and authority to build said bridge, and do and perform all acts and things which may be necessary and requisite to carry out the provisions and objects of this Act. For what purpose.

SEC. 3. The said Auditor, upon the order of the said Board of Supervisors, shall attach coupons to said bonds, and the interest and bonds shall be made payable at the office of the County Treasurer. Said bonds and coupons shall be duly numbered, and there shall be expressed thereon the amount of interest on coupons, and where and when payable, and they shall be signed by the said County Auditor and countersigned by the County Treasurer. Coupons.

SEC. 4. It shall be the duty of said Auditor to keep a record of the number, denomination, and amount of all bonds issued, showing the date of issue, to whom issued, and the number of each coupon to each particular bond. Record.

SEC. 5. In addition to the taxes now authorized by law in the County of Alameda, the Board of Supervisors are hereby authorized and required, annually, to levy and have collected, by the proper officers, in the same manner and at the same time that State and county taxes are collected in said county, such additional tax as they may judge and deem necessary, which shall be set apart to pay the interest on said bonds, and for no other purpose; *provided* further, that in the fiscal year of eighteen hundred and seventy-seven, and each year thereafter, if the Board of Supervisors shall so order (and it is left discretionary with them), may levy an additional tax, not to exceed the sum of seven cents on the one hundred dollars, to be collected by the proper officers, to be called "The Redemption Fund," and all money so collected shall be set apart and used for the redemption of said bonds created by this Act, and for no other purpose; *provided* further, that in the fiscal year eighteen hundred and eighty-two, the said Board of Supervisors of said county shall have power and shall levy an additional tax sufficient to pay all of said bonds and interest thereon remaining outstanding and unpaid, on the assessable property in said county, and shall be used for the redemption of said bonds and the interest thereon. The manner of levying and collecting said tax shall be the same as that provided by law for levying and collecting State and county taxes, and at the same time. Interest tax.
Redemption.

SEC. 6. Five years after the issuance of said bond, and each year thereafter, if there be sufficient money in the Bridge Redemption Fund after paying the interest due on the said bonds, the County Treasurer shall publish notice in one or more Notice of publication for redemption of bonds.

newspapers published in said county that he will redeem bond or bonds, the number commencing with the first number, and shall give the name to whom it was issued, the amount, and shall publish said notice for four weeks. And after the expiration of said publication, if the owner or owners of said bond or bonds do not present them for payment, or refuse to receive payment thereon, the interest shall cease, and the County Treasurer is hereby prohibited from paying the interest on the same after the date of publication and during the fiscal year eighteen hundred and eighty-two. The said Treasurer shall publish a like notice that there is money to pay and redeem all of said bonds remaining outstanding and unpaid, and shall pay the same out of the money levied and collected for that purpose. Said bonds shall express on their face, among other things: "Redeemable after five years, at the option of the Board of Supervisors of said county."

Canceling.

SEC. 7. Whenever the County Treasurer shall pay any coupons, bond or bonds, under the provisions of this Act, he shall cancel the same and preserve the said canceled coupons, bond or bonds, and keep a record thereof, giving the number, date, and amount of each, and from whom received, and shall write across said coupons, bond or bonds, the words "Canceled by me," and sign his name as County Treasurer thereon.

Transfer of surplus.

SEC. 8. In the year eighteen hundred and eighty-two, aforesaid, if from any cause there be a deficit of money in the "Bridge Redemption Fund," the said coupons and bond or bonds shall be paid out of the "General Fund" of the county; and if there be a surplus of money in the "Bridge Redemption Fund" aforesaid, it shall be transferred to the "General Fund of the county."

Liability in case of division of county.

SEC. 9. Should the county be divided at any time before the fiscal year eighteen hundred and eighty-two, then the part of said county in which said bridge is located shall pay whatever may be due and owing on said coupons and bonds; and the other portion so cut off or divided, in which no part of said bridge is situated, shall not be liable in any manner upon said coupons or bonds.

SEC. 10. This Act shall take effect and be in force on and after its passage.

CHAPTER CLXXVII.

An Act to authorize the Board of Supervisors of Los Angeles County to locate and build bridges across the Los Angeles River and the new San Gabriel and old San Gabriel Rivers, in Los Angeles County, and to issue bonds for the payment of the same.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Los Angeles County Bridges.
are hereby authorized and empowered to locate and construct good and substantial bridges, of sufficient width and strength to admit the passage of heavily freighted teams and wagons, across the Los Angeles River and across the new San Gabriel and old San Gabriel Rivers, in Los Angeles County (one bridge across each river), at points to be designated by said Board, not to exceed two miles distant from the line of the present stage road between Los Angeles and Anaheim, and upon such plan and of such material, with substantial abutments, as the said Board of Supervisors shall determine, but at an expense not to exceed twenty thousand (\$20,000) dollars each, or sixty thousand (\$60,000) dollars for the three bridges; *provided*, that said bridges or either of them shall only be constructed and paid for in the manner hereinafter provided; and *provided* further, that nothing in this Act shall authorize said Board of Supervisors or any of them to construct, contract for, or be interested in anywise in the contract for the construction of said bridges or either of them.

SEC. 2. Before proceeding to the construction of any of the Plans and specifications.
bridges authorized to be constructed by this Act, the Board of Supervisors of said county shall cause to be prepared and shall adopt plans and specifications for the construction of said bridges, and shall deposit the same with the Clerk of said Board for the inspection of bidders, and shall cause to be published for at least thirty days in some daily newspaper of general circulation printed in the City of San Francisco, and also in some daily newspaper printed and published in said county, an advertisement for sealed proposals for the construction of said bridges. Said proposals shall be addressed to the Clerk of the Board of Supervisors of Los Angeles County, and shall contain a bid for the construction of said bridges or either of them, according to the plans and specifications adopted by said Board, and shall state the names of the proposed sureties, and be accompanied by their written consent to become sureties in case of the acceptance of the bid.

SEC. 3. Within one week after the expiration of the time Advertise for proposals.
specified in said advertisement for the presentation of said proposals, the said Board of Supervisors shall meet, and in public open all proposals that may have been received for the con-

struction of said bridges, or any of them, and shall proceed to consider the said proposals, and shall upon the filing of the Board [bond] hereinafter provided for, award the contract for the construction of the said bridges, or either of them, to the lowest responsible bidder or bidders; *provided* always, that said Board shall have power to reject any and all bids received; and *provided*, that no party to whom the contract for building said bridges, or either of them, may have been awarded shall have the right to sub-contract the work of building said bridges, or either of them, to any other person, under penalty of a forfeiture of his bond.

Bond to be
filed.

SEC. 4. The person or persons to whom the contract for the construction of said bridges, or either of them, may be awarded, shall file a good and sufficient bond, with two or more sureties, in double the amount of their respective bids, to be approved by the Board of Supervisors of said county, and conditioned to the effect that the obligors will well and truly, and in a workmanlike manner, cause the said bridge or bridges to be constructed and completed within six months after the bid shall have been accepted, in accordance with the plans and specifications as adopted by said Board; and *provided* further, that not more than seventy-five (75) per cent of the amount agreed upon to be paid for the building of said bridges, or either of them, shall be paid as the work of construction progresses, and the remainder shall be paid when the work is completed and accepted by the Board of Supervisors.

Issue of
bonds.

SEC. 5. For the purpose of providing means for the construction of said bridges, the Board of Supervisors of said county are hereby authorized to cause to be prepared suitable bonds of said county, to be denominated on their face "The Los Angeles County Bridge Bonds," of the denomination of five hundred dollars each—gold coin of the United States—bearing interest at the rate of seven (7) per cent per annum from the date of their issue, in like gold coin, payable at the office of the County Treasurer of Los Angeles County upon the first day of January of each year, and the principal sum thereof payable at said County Treasurer's office, in the City of Los Angeles, upon the first day of January, A. D. eighteen hundred and ninety. Said bonds shall be signed by the Chairman of the Board of Supervisors and countersigned by the County Treasurer and County Auditor, and shall have the seal of the Auditor of said county stamped thereon, and shall have coupons attached—the first for the interest from the date of their issue for the term ending on the last day of December following, and the remainder for one year's interest each thereafter, to be consecutively numbered and attached thereto, so as to be removed without injury or mutilation to the bond; which coupons shall be signed by the County Treasurer.

Interest.

Record.

SEC. 6. It shall be the duty of the Chairman of the Board of Supervisors, the County Auditor, and the County Treasurer of said county, each to keep a separate record of all bonds signed by them, which bonds shall remain with the County Treasurer.

SEC. 7. The bonds issued in pursuance of this Act shall be given and received, exclusively, in payment for the construc-

tion of the aforesaid bridges; *provided*, however, that if in the judgment of the Board it shall be deemed for the best interest of the county, they may sell any or all of said bonds at such time or times as they may deem proper, after having published a notice for thirty days in one newspaper published in said County of Los Angeles, and one newspaper published in the City of San Francisco, inviting proposals for the purchase of the same, upon a day to be named in said notices. The Board shall meet to consider said proposals, and they shall deliver said bonds, with the coupons attached, to the person or persons bidding the highest therefor in gold coin of the United States; *provided*, that said Board of Supervisors shall have power to reject any and all bids.

Proceeds,
how
applied.

SEC. 8. For the payment of the principal and interest of the bonds issued in pursuance of this Act there shall, until the same are paid and discharged, be annually levied and collected, in the same manner as is or may be provided by law for the collection of State and county taxes, a special tax, not exceeding twelve cents on each one hundred dollars of the aforesaid value of the real and personal property in said county; and the fund derived from this tax shall be set aside and applied exclusively to the payment of the interest and the final redemption of the bonds issued in pursuance of this Act, and shall be known by the name of "The Los Angeles Bridge, Interest, and Sinking Fund."

Principal
and
interest tax

SEC. 9. Whenever, on the first day of February in any year after the payment of the interest as herein provided for, there remains in the said "Los Angeles Bridge, Interest, and Sinking Fund" a surplus exceeding five hundred dollars, it shall be the duty of the County Treasurer of said county to advertise for one month in a newspaper printed and published in said county, for sealed proposals, to be opened one week after the expiration of said publication, by the Treasurer, at his office, in the presence of the Chairman of the Board of Supervisors and of the County Auditor of said county, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money the Treasurer has on hand for the purpose of redemption, and shall require said proposals to be accompanied with good and sufficient security that the same shall be carried out within fifteen days after acceptance; the class and form of which security may be prescribed by the County Treasurer. When said proposals are opened, they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the cash on hand for redemption is exhausted.

Surplus.

Surrender
of bonds.

SEC. 10. Immediately after any bonds shall have been redeemed, as herein provided, it shall be the duty of the County Auditor to take the number of said bonds so redeemed, to whom issued, and when redeemed, and to make a record of the same in his office; and for that purpose the County Treasurer shall, upon demand, exhibit said bonds to him, and shall permit him to deface the same in such a manner that neither they nor their coupons can again be put in circulation.

To be
canceled.

SEC. 11. This Act shall take effect from and after its passage.

CHAPTER CLXXVIII.

An Act to regulate the fees of the County Clerk of Santa Clara County.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees.

SECTION 1. The County Clerk of Santa Clara County shall receive for the services herein named the fees and compensation following:

District Court.

As Clerk of the District Court: For entering each suit or action on the Register of Actions, and making the necessary entries therein during the trial, fifty cents for the first folio, and fifteen cents for each subsequent folio; for issuing every writ or process under seal, forty cents; for issuing each subpoena for one or more witnesses, twenty cents; for filing each paper, document, or record, fifteen cents; for entering every motion, order, rule, default, dismissal, discontinuance, or nonsuit, twenty cents; for entering every cause upon the calendar, for each term of the Court, twenty-five cents, and for printing and publishing the same, twenty-five cents for each cause; for calling and swearing every trial jury, forty cents; for receiving and entering each verdict of a jury, forty cents; for entering every judgment, for the first folio, seventy-five cents, and fifteen cents for each subsequent folio; for making up and filing judgment roll, twenty-five cents; for docketing judgment, twenty cents for each entry; for entering satisfaction of judgment, forty cents; for administering every oath or affirmation, fifteen cents; for certifying every oath or affirmation, fifteen cents; for copies of proceedings, papers, or records, for each folio, fifteen cents; for every certificate under seal, forty cents; for issuing every commission to take testimony, fifty cents; for taking down testimony of witnesses, when so ordered or requested, fifteen cents for each folio, to be paid by the party requiring the services; for issuing every copy of decree or order of sale of mortgaged property, fifteen cents for each folio; for filing every remittitur from the Supreme Court, with the accompanying papers, forty cents; for the approval and justification of each bond or undertaking required by law, forty cents, and for each justification of the sureties to any bond or undertaking, fifteen cents per folio; for taking and certifying every acknowledgment of deed or other instrument, fifty cents for the first name, and twenty-five cents for every additional name; for indexing every action, suit, or proceeding, fifteen cents for each name; for filing and entering papers, or transfer of cases from other Courts, two dollars; for transmission of files or transfer of causes to other Courts, including the certificate and order of transfer, two dollars; for searching records or files, except for suitors or their attorneys, twenty-five cents for each year; in criminal cases, for the trial of each issue, five dollars, and he shall receive no other fees in criminal cases excepting

fifteen cents per folio for copies of papers, and for taking down testimony when required.

As Clerk of the County Court: For filing papers on appeal from Justice's Courts, and making the necessary entries, one dollar and fifty cents for each cause. For all other services in civil cases, the same fees as are allowed to him for similar services as Clerk of the District Court. In criminal cases, for the trial of each issue, where the charge is felony, five dollars; and where the charge is misdemeanor, three dollars; and no other fees shall be allowed him for services in criminal cases, except fifteen cents per folio for copies of papers, and for taking down testimony when required.

As Clerk of the Probate Court: For issuing letters testamentary or of administration, forty cents; for certificate of appointment of appraisers or guardians, forty cents; for writing and posting notices, for each copy, forty cents; for recording wills, for each folio, fifteen cents; for notice given by publication, in addition to the cost of publication, forty cents. For all other services the same fees as are allowed him as Clerk of the District Court for similar services.

As County Clerk: For issuing marriage licenses, one dollar for each license; for drawing affidavits, depositions, or other papers, twenty cents for each folio; for filing transcripts of judgments of Justice Courts, docketing the same, and issuing execution thereon, two dollars; for recording certificates of incorporations, fifteen cents per folio, and for filing the same, and making certified copies thereof, the same fees as are allowed him as Clerk of the District Court for similar services; for recording official bonds, fifteen cents per folio, and for filing and indexing the same, the same fees as are allowed him as Clerk of the District Court for like services; for recording testimony and commitment upon examination of an insane person, fifteen cents per folio, to be chargeable to and payable out of the property of the person examined or committed; for issuing every writ of habeas corpus, and all services in relation thereto, two dollars.

SEC. 2. The said County Clerk, as ex officio Clerk of the Courts of record of said county, shall also receive for each certificate of declaration of intention to become a citizen of the United States, and for making a record thereof, the sum of three dollars; and for each certificate of citizenship and for making a record thereof, the sum of three dollars.

SEC. 3. The said County Clerk shall receive for the services required of him by the Act to provide for the reclamation of salt marsh and tide lands, approved April twenty-seventh, eighteen hundred and sixty-three, the fees and compensation therein prescribed.

SEC. 4. The said County Clerk shall be entitled to demand the payment of the fees and compensation herein prescribed, and the same shall be paid in advance, in gold or silver coin of the United States, and he shall not be required or compelled to perform any services until the fees therefor shall have been tendered or paid.

SEC. 5. At the commencement of each suit, action, or proceeding, the said County Clerk shall be entitled to demand and

receive from the party commencing the same, in addition to the Judge's docket fee, the sum of ten dollars, and from the defendants or respondents the sum of three dollars, as a deposit for costs of such action or proceeding. When such deposit becomes exhausted he shall be entitled to demand and receive such additional deposit from the party requiring his services as shall be necessary to cover the additional costs in such action or proceeding.

Execution
for delin-
quent fees.

SEC. 6. If at any time any fees of said County Clerk shall be unpaid, it shall be his right to apply to the Court in which the same were incurred, for an order that the same be paid by the party chargeable therewith, and if granted may issue execution for such delinquent fees, with the same force and effect as if said execution were issued upon a final judgment of a Court of record.

Fees in
criminal
cases.

SEC. 7. The fees of the County Clerk herein prescribed for services in criminal cases, for writs of habeas corpus, and for recording, filing, and indexing official bonds, shall be allowed by the Board of Supervisors, and be paid by the County Treasurer of said county, out of the current or general expense Fund thereof.

Publication
of calendar

SEC. 8. The said County Clerk shall make, or cause to be made, published, and printed, a complete calendar of all the causes, actions, or proceedings to be tried at each term of the District Court of said county. One copy of such printed calendar, in pamphlet form, shall be delivered by said County Clerk, on or before the Monday next preceding the commencement of each term of said Court, to every attorney of said county practicing in said Court. No charge shall be made by said County Clerk, nor compensation received by him, for said printed calendar, excepting as is herein provided.

Repealing.

SEC. 9. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after its approval.

CHAPTER CLXXIX.

An Act to prevent the propagation of the Scotch or Canada thistle in the Counties of Humboldt, Siskiyou, Klamath, Del Norte, and Alameda.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Canada
thistle.

SECTION 1. It shall be unlawful for any person owning or possessing land in the Counties of Humboldt, Siskiyou, Klamath, Del Norte, and Alameda to permit the Scotch or Canada thistle to mature and disseminate its seed on land so owned or possessed by such person.

SEC. 2. It shall be unlawful for any person to knowingly sow or disseminate any seed of the Scotch or Canada thistle upon any land owned or possessed by another.

SEC. 3. Any person, upon being duly convicted of a violation of either of the preceding sections of this Act, shall be deemed guilty of a misdemeanor, and may be fined in any sum not exceeding one hundred dollars or by imprisonment in the County Jail for a term not exceeding three months. Misdemeanor.

SEC. 4. Any person who shall sell or in any way dispose of any seed of the Scotch or Canada thistle to another, whether in the packing of goods, or in grain, or grass seeds, or otherwise, shall be liable to such person for all damages which may accrue to him by reason thereof, to be recovered by action in any Court of competent jurisdiction. Damages.

SEC. 5. Any Road Overseer in the County of Humboldt, Siskiyou, Klamath, Del Norte, and Alameda, who shall permit any seed of the Scotch or Canada thistle to mature within the boundary of any highway within his district, shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not exceeding one hundred dollars. All fines collected under this Act shall be paid into the County Treasury for the benefit of the Common School Fund. Road Overseer liable.

SEC. 6. The provisions of this Act shall apply only to the Counties of Humboldt, Siskiyou, Klamath, Del Norte, and Alameda. Act not apply.

CHAPTER CLXXX.

An Act to amend an Act entitled "An Act to provide for the maintenance of the indigent sick in certain townships therein named in Siskiyou County," passed March twenty-fourth, eighteen hundred and seventy.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the above entitled Act is amended to read as follows:

Section 1. The Tax Collector of Siskiyou County shall keep a separate account of all taxes collected for hospital purposes in each of the townships known as Surprise Valley Township, Big Valley Township, and Hot Spring Valley Township, and when he pays the same over to the County Treasurer, according to law, it shall be the duty of said County Treasurer to keep the moneys so collected in each of said townships for hospital purposes and paid to him in separate Funds, and said separate Funds shall constitute and be the Hospital Fund of said townships respectively, and shall be used only for the maintenance of the indigent sick of said respective townships. Hospital Fund.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXXXI.

An Act relating to the Board of Supervisors of the County of Sacramento, and more particularly defining its powers and duties.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Regular terms.** SECTION 1. The regular terms of the Board of Supervisors of the County of Sacramento shall commence on the first and third Mondays of each month, and shall continue in session not less than five days in each term, and each daily session to be from ten o'clock A. M. till three o'clock P. M.
- Office hours** SEC. 2. The office of the Board of Supervisors shall be opened daily, non-judicial days excepted, from ten o'clock A. M. till four o'clock P. M., and the records of said office shall be open to the inspection of any taxpayer or any other person who may desire to inspect the same during office hours; and the Clerk of the Board shall be in attendance during said hours, and give his services, without charge or fee, to all persons having business in said office or before the Board of Supervisors.
- Claims, how acted on.** SEC. 3. All claims or demands against the county for allowance shall be acted upon and disposed of, either by reference or otherwise, at the first term in each month; and the yeas and nays shall be taken upon the allowance of any claim or claims, and upon all resolutions, ordinances, and appointments to office, and the vote thereon shall be entered upon the minutes of the Board in full by the Clerk.
- Duty of Clerk.** SEC. 4. It shall be the duty of the Clerk of said Board to arrange alphabetically, under appropriate heads, the records of the proceedings of said Board.
- Salaries.** SEC. 5. Each member of the Board of Supervisors of the County of Sacramento shall, after the passage of this Act, be allowed a salary, during the time he is in office, of one hundred dollars per month; and said members shall, in addition thereto, be allowed a mileage of twenty cents per mile in traveling to and from their residence to the county seat; *provided*, no charge shall be made for more than one mileage going from and returning to the residence of such Supervisors at any term held; and *provided*, not more than two such mileage shall be charged during any one month. This shall be in full compensation for all services required of them by law as Supervisors, as members of the Board of Equalization of Taxes, as Swamp Land Commissioners, and for all other services which may devolve upon them as such public officers; and the Auditor of said county is hereby directed to audit, and the Treasurer to pay such salaries monthly out of the General Fund.
- Mileage.** SEC. 6. The money of any one Fund shall only be used for the purpose of that particular Fund.
- Repealing.** SEC. 7. All laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall take effect and be in force from and after the first day of March, A. D. one thousand eight hundred and seventy-two.

CHAPTER CLXXXII.

An Act amendatory of and supplementary to an Act entitled an Act fixing the number of officers and employes of the Senate and Assembly, to define their duties, and to establish their pay, approved May twentieth, eighteen hundred and sixty-one.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Section 4. It shall be the duty of the Secretary of the Senate to attend each day, call the roll, read the Journal and bills, to take charge of and superintend the copying of the Journals, and all other copying necessary to be done by the Senate. It shall be the duty of the Chief Clerk of the Assembly to attend each day, to call the roll, read the Journal and bills, and to take charge of and superintend the copying of the Journal, and all other copying necessary to be done for the Assembly. It shall be the duty of the Assistant Secretary of the Senate and the Assistant Clerk of the Assembly to take charge of all bills, petitions, and other papers presented to their respective Houses; to file and enter the same, in the order in which they are received, in the books provided for that purpose; to indorse the bills, by writing on the back of each the history and the exact minute said bills come into their hands, and such other duties as may be directed by their respective chiefs. It shall be the duty of the Minute Clerks of the Senate and Assembly to keep a correct record of the proceedings of each day, for the purpose of having such proceedings recorded in the Journals by the Journal Clerks of their respective Houses. It shall be the duty of the Journal Clerk of the Senate to record each day's proceedings in the Journal, from which they shall be read each day of meeting, in order that they may be authenticated by the signature of the President. It shall be the duty of the Journal Clerk of the Assembly to perform all similar duties for the Assembly. It shall be the duty of the Copying Clerks of the Senate to copy into the Appendix the annual reports of the State officers, and other lengthy documents, and to perform all such copying for the printer as shall be ordered by the Senate. It shall be the duty of the Copying Clerks of the Assembly to copy into the Appendix all lengthy documents, and perform all such copying for the printer as

Duties of Secretary of Senate.

Chief Clerk of Assembly.

Assistant Secretary of Senate.

Assistant Clerk of Assembly.

Minute Clerk.

Journal Clerk of Senate.

Journal Clerk of Assembly.

Copying Clerks of Senate.

Copying Clerks of Assembly.

shall be ordered by the Assembly; but the annual reports of the State officers shall not be copied into the Assembly Journals or Appendix. It shall be the duty of the Engrossing Clerks of the Senate and Assembly to correctly engross all bills ordered to engrossment in the order in which they pass their respective Houses, unless otherwise ordered by a vote of the House in which the bill originates. It shall be the duty of the Enrolling Clerks of the Senate and Assembly to correctly enroll all bills in the order in which they pass the last House in which they are acted upon, unless otherwise ordered by a vote of both Houses. It shall be the duty of the Sergeants at Arms of the Senate and Assembly to give a general supervision, under the direction of their presiding officers, to the Senate and Assembly Chambers, with rooms attached; to attend during the sitting of their respective bodies, execute their commands, together with all such process issued by authority thereof as shall be directed to them by their presiding officers; to keep an accurate account for pay, mileage of members, and compare checks for the same. They shall receive no other compensation for their services beyond their per diem, except actual expenses incurred in arrests made by them and for traveling expenses for themselves or special messengers, which expenses so incurred shall be paid from the Contingent Fund of their respective Houses; *provided*, that no special messenger shall be employed by any officer of either House unless expressly ordered by a vote of the House of which he is an officer. It shall be the duty of the Assistant Sergeant at Arms of each House to perform the duties of a doorkeeper, prohibit all persons except members, officers, and employes, and such reporters as may have seats assigned them by the rules of each House, from entering within the bar of the House of which he is doorkeeper, unless upon invitation; and to arrest for contempt all persons outside the bar or in the gallery found engaged in loud conversation or otherwise making a noise to the disturbance of their respective Houses.

SEC. 2. Section seven of said Act shall be amended so as to read as follows:

Section 7. If any bill, resolution, or report introduced in either House be altered, mutilated, or destroyed, or allowed to be altered, mutilated, or destroyed by any of the officers or attachés through whose hands it has to or does pass, or if any bill is willfully misplaced upon the file, or any bill engrossed or enrolled in violation of section one of this Act, such officer or attaché shall be deemed guilty of contempt of the body to which he may be attached, and shall be expelled from his position, and may be prosecuted for a misdemeanor in the proper Courts, and if convicted shall be punished by fine not exceeding one thousand dollars or by imprisonment in the County Jail not exceeding one year, or by both fine and imprisonment. And the officer or attaché in whose custody such bill, resolution, or report shall be at the time shall *prima facie* be deemed guilty of destroying or mutilating such bill, resolution, or report.

SEC. 3. If any person or persons use any influence or attempt to use any influence to cause any of the officers or attachés of

the Legislature to violate section one of this Act, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction before a Court of competent jurisdiction be fined in a sum not exceeding one thousand dollars and be imprisoned not exceeding twelve months. Misdemeanor.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXXXIII.

An Act to amend an Act entitled an Act to provide for the payment of warrants against the Hospital Fund of Klamath County, approved January nineteenth, eighteen hundred and seventy.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is amended so as to read as follows:

Section 1. The Board of Supervisors may, in addition to other taxes provided for by law, levy a special tax annually upon the taxable property in said county not to exceed one half of one per cent, and said tax shall be collected at the same time and in like manner as other taxes in said county. Special tax.

SEC. 2. Section four of said Act is amended so as to read as follows:

Section 4. At the expiration of sixty days from and after the notice specified in section three, the Treasurer of said county shall transfer all moneys then remaining in said Hospital Fund to the General County Fund of said county, to be used as other moneys in said General County Fund. Transfer of moneys.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CLXXXIV.

An Act to amend an Act entitled "An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto," approved March fifth, eighteen hundred and seventy.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-two of said Act is hereby amended so as to read as follows:

Judges and
Clerks of
Election.

Counties
excepted.

Section 32. The Judges and Clerks of Election shall be allowed such compensation as the Board of Supervisors shall prescribe, not exceeding three dollars per day each, for the time they are necessarily employed; and in all of the counties of the State, excepting the Counties of Solano, San Francisco, Nevada, Los Angeles, Marin, Plumas, Lassen, Humboldt, and El Dorado, said time shall not exceed five days pay in any one year for each of the Judges, and six days for the Clerks, which shall be full compensation for all services required by law to be performed.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CLXXXV.

An Act to reincorporate the Town of San Luis Obispo.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Corpora-
tion.

Boundaries

Act
applying.

Debt.

SECTION 1. The corporation and body politic and corporate now existing and known as the Town of San Luis Obispo shall remain and continue to be a body politic and corporate in name and in fact, by the name of the Town of San Luis Obispo, and by that name shall have perpetual succession, may sue and be sued, and defend in all Courts and places, and in all matters and proceedings whatsoever, and may have and use a common seal, and the same alter at pleasure, and may purchase, receive, accept, hold, and enjoy real and personal property, and sell and dispose of the same for the common benefit. The boundaries of the Town of San Luis Obispo shall be as follows: Beginning at a point on the line between townships thirty and thirty-one south, range twelve east, Mount Diablo meridian, said point being east twenty chains distant from the corner to sections one and two and thirty-five and thirty-six, and running thence north one hundred and sixty chains; thence west one hundred and forty chains; thence south one hundred and forty chains to the north-easterly boundary line of the Rancho Laguna; thence following said boundary line of the Rancho Laguna southeasterly to its intersection with the aforesaid line between townships thirty and thirty-one south, range twelve east, and thence following said township line east to the point of beginning.

SEC. 2. Sections numbered from two to fifteen, both inclusive, of "An Act to provide for the incorporation of towns," passed March twenty-seventh, eighteen hundred and fifty, as the same now stands amended by subsequent Acts, shall apply to and govern said Town of San Luis Obispo so far as the same do not conflict with the provisions of this Act.

SEC. 3. The Board of Trustees of said town shall have no powers to contract liabilities, either by borrowing money, loan-

ing the credit of the town, or contract any debt or debts which singly or in the aggregate shall exceed the sum of ten thousand dollars.

SEC. 4. The Board of Trustees shall have power, and it is hereby made their duty, to provide by ordinance for the levying and collecting of all town taxes, and in so doing shall be governed by the State laws in reference to the levying and collecting of State and county taxes so far as the same may be applicable, and may in like manner from time to time provide for the collection, by civil action or otherwise, of all taxes levied or assessed by them or under their authority for town purposes, that now have or may hereafter become delinquent; and in case such taxes be collected by civil action the Courts of justice shall have the same jurisdiction, the complaint, answer, or other pleading shall substantially conform to the same requirements, and the summons and other process of such Court shall be issued, served, and returned in the same manner as is or may be provided by law for the collection of delinquent taxes levied for State purposes; and all sales and conveyances of property made and executed for the non-payment of delinquent taxes shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for State purposes; and every tax levied by said Board of Trustees under the provisions of this Act, or any former Act which was in force and effect and which may become repealed by the provisions of this Act, is hereby made a lien against the property assessed, which lien shall attach as on the first Monday in May in each year, and shall not be satisfied or removed until the taxes are all paid or the property has absolutely vested in a purchaser under a sale for taxes. The delinquent list, or a copy thereof certified by the Town Clerk, made out substantially in the form prescribed for making out the list of delinquent taxes levied for State purposes, showing unpaid taxes against any person or property, shall be prima facie evidence in any Court to prove the assessment of the property assessed, the delinquency, the amount of taxes due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

Powers of
Trustees.

SEC. 5. The Board of Trustees are hereby authorized and empowered to order the whole or any portion of any street or streets, lane or lanes, alleys, courts, or squares graded or regraded to the official grade, paved, graveled, or macadamized, and have the same repaired; to order sidewalks, culverts, sewers, drains, and curbing constructed and repaired; to improve and beautify the public squares, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of the said streets, sidewalks, lanes, alleys, and squares as in their opinion the public good and convenience requires.

Streets.

SEC. 6. The Board of Trustees may order any of the work herein authorized to be done after a notice of their intentions so to do, in the form of a notice of intention, describing the proposed work, signed by the Clerk, after being published in a newspaper published in said town, once a week for two consecutive weeks. At the expiration of the time, as given in any such notice of

Notice of
intention.

Remon-
strance.

intentions, said Board of Trustees shall be deemed to have acquired jurisdiction to order any of the work herein provided for to be done, and all owners of lands or lots, or portions of lots, who may feel aggrieved, or who may have objections to any of the subsequent proceedings of the Board of Trustees in relation to the work proposed and described in the notice of intention, shall file with the Town Clerk a remonstrance, wherein they shall state in what respect they feel aggrieved, and their reasons for objecting to the proceedings. Said remonstrance shall be considered by the Board of Trustees, and their decision thereon shall be final and conclusive; *provided*, that if more than one half of the owners or occupants, or the owners or occupants of more than one half of the real estate fronting on any street, lane, alley, or square on which, as a whole, said work or improvements is proposed to be done shall remonstrate against said work or improvements, said Board of Trustees shall then suspend further proceedings for the term of six months, unless such owners or occupants aforesaid shall sooner petition the Board of Trustees to have such improvements made; and *provided* further, that if at any time of the hearing of such remonstrance against said work or improvements, or at any time subsequent thereto, it shall come to the knowledge of the Trustees that said proposed improvements, or any portion of them, are an immediate public necessity, they shall then proceed in reference to said proposed work or improvements, or so much thereof as they may deem and declare to be necessary, as if no remonstrance had been made.

Survey.

SEC. 7. It shall be the duty of the Board of Trustees to cause an immediate survey of any such proposed work or improvements to be made by the town or some other competent Surveyor, who shall, on the conclusion of said survey, produce a map or diagram indicating the proposed grade and amount of excavations or filling in front of each person's real estate to the middle of the street—all lots on the corners of blocks to include the cross streets; or if the improvements only extended to the sidewalks, then he shall indicate, as aforesaid, the amount of excavation or filling of the sidewalks in front of each person's real estate. If the Board of Trustees approve the survey, diagram, and specifications of the Surveyor, the same shall be placed on file in the office of the Clerk, and they shall order said improvements to be made, and shall cause such order to be published for at least three consecutive weeks in some newspaper in said town. At the expiration of such notice the Board of Trustees may determine, by ordinance or resolution, at what time said work or improvements shall be commenced, and within what time all of which shall be completed, and also may, in their discretion, extend the time so fixed; and such of the persons having frontage on the line of the proposed work or improvements, shall have the privilege of doing the same in accordance with the requirements of the order, survey, diagram, and specifications of the Surveyor on file in the office of the Clerk as aforesaid; but if the owner or occupant of any of such real estate fail or neglect so to do within the time fixed for doing the same, or within any extension of time which may have, in the discretion of the Board of Trustees, been granted,

it shall be the duty of the Town Marshal to let out, in a manner Survey. described by the resolution or ordinance of the Trustees, the doing of all the work, or the making of all the improvements remaining unfinished. And when the doing of all such work, or the making of all such improvements shall have been finished and accepted by the Surveyor and Marshal, they shall certify the same to the Board of Trustees, who shall order the Town Assessor to make an assessment of the cost thereof as apportioned to each of the persons or occupants owning or occupying said real estate, which said assessment shall constitute a lien upon such real estate, dating from the time such work or improvement was ordered, and after due notice present the same to the Board of Trustees, who shall on a specified day sit as a Board of Equalization thereon, and shall hear and determine in reference thereto. And all persons feeling aggrieved Objections. in reference to any such assessments shall, at such time, either in writing or otherwise, specifically make known the cause of their objections and complaint, which shall be heard and passed upon by said Board of Equalization, and their determination thereon shall be final and conclusive; and when thus equalized and approved by them said lists shall be properly certified by the Clerk and placed in the hands of the Marshal for collection, and all subsequent proceedings in relation thereto shall be the same as prescribed herein for the collection of other town taxes, so far as the same may be applicable.

SEC. 8. The cost of the survey, specifications, maps, or diagram of any of the work or improvements hereinbefore mentioned, together with all culverts and street crossings, shall be paid by the town. Cost of survey, how paid.

SEC. 9. When any street or portion of any street or sidewalk, or any portion thereof, becomes in a condition to be dangerous or in a condition to cause great public inconvenience, the Town Marshal shall, by notice in writing, to be delivered to them personally or posted on the premises of the owners, occupants, or tenants upon any real estate in front of which such repairs or improvements are required to be made, require them to make such improvements or repairs forthwith, particularly specifying in such notice what improvements or repairs are required to be made. If such improvements or repairs are not commenced within five days after notice given as aforesaid and diligently prosecuted to completion without unnecessary delay, the Town Trustees shall be deemed to have acquired power to contract for the doing of the work or improvements required by said notice, and may enter into a contract with any competent person to make the required improvements or repairs at the expense of the owners of such real estate, at such price as they may deem reasonable and just, and such owner shall be liable to pay the same; and such sum or sums of money contracted to be paid for said work or improvements shall be a lien upon the real estate in front of which to the middle of the street said work or improvements shall have been made, and may be collected by civil action from the personal effects of such owner or owners, or become a tax levied or assessed, and equalized as provided in section seven of this Act; and all money collected by the Town Marshal for the construction, improvement, or Repair of streets and sidewalks.

Repair of
streets and
sidewalks.

repairs of any street, lane, alley, or sidewalk, if collected by an assessment duly equalized and certified, shall be paid to the Town Treasurer as a special Fund, to the credit of the particular object for which it was assessed; or if collected by a voluntary payment or by civil action, from the personal effects of the owners of such real estate, he shall pay the same over to the contractor, taking his receipt therefor, a duplicate of which he shall file with the Clerk; and for all assessments made upon real estate for the construction, improvements, or repairs of any street, lane, alley, or sidewalk, such an amount shall be added to each and every of such assessments, in addition to the contract price thereof, as will be sufficient to pay the fees of the Collector and Treasurer as allowed by law.

SEC. 10. The town, or proper authorities thereof, shall not be held responsible for nor assume the payment of any money for work done or repairs and improvements made, until after all demands on the owners or occupants of such real estate have been paid, or prosecuted to final collection; and in case of failure on the part of the town to collect such tax from the owner or occupant, or from the real estate, the person or persons having contracted for, done, and completed any part or the whole of such work done or repairs and improvements made, may present the same to the Board of Trustees and be allowed and paid therefor from the General Fund of said town.

Officers.

SEC. 11. The Board of Trustees, when in their opinion the public good so requires, shall appoint a Town Attorney, also a Town Surveyor; the duties and compensation of each of said officers to be prescribed by the Board of Trustees.

Board of
Equaliza-
tion.

SEC. 12. The Board of Trustees shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed in his assessment, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they or a majority of them shall deem just and proper; said meetings may be held from time to time, as in said notice specified, for the period of two weeks, and no longer. When meeting as a Board of Equalization upon assessments for the construction or repair of any streets or sidewalks, they shall hold their sessions for such period of time only as may be required to consider the matters submitted to them and take action in reference thereto.

Opening of
streets.

SEC. 13. The Board of Trustees of the Town of San Luis Obispo shall, upon a petition signed by fifty citizens of said town, and owners of real estate therein, being presented to them praying for the opening of any new street or streets, or the extending of any street or streets, lanes, or alleys in said town, if deemed by them a public necessity, direct by ordinance the Town Surveyor to make an accurate survey of any such proposed street or streets, lane, or alley, and return the same to the Board of Trustees at its regular meeting, or within such time as they shall by ordinance or resolution direct; said survey shall be accompanied with a report and diagram map showing the location of such proposed street or streets, lane, or alley, and the width thereof, and also the boundaries of the lands of

Survey.

each owner through whose land such street, lane, or alley is proposed to be located; and for the purpose of making such survey the Surveyor shall have the right to enter upon any and all such lands.

SEC. 14. Within ten days after the filing of such report and Report.
map of the proposed work, the Town Attorney shall, by careful examination of the records of the county, ascertain and report to the Board of Trustees the names of all owners of any such lands as the same shall appear of record, with the description of the land belonging to each person. Upon the filing of said report the Clerk shall issue a notice, directed generally to all persons interested, setting forth that such petition has been filed, and that the survey of such proposed street, lane, or alley has been made, and that the names of the owners and occupants of the lands through which said street, lane, or alley will run and thereon designated, and also a statement that proceedings will be instituted for the condemnation of such lands for public Condemnation.
purposes, unless all such owners shall, within ten days of the date thereof, make, execute, and deliver to the town deeds of donation of the lands sought to be so appropriated. Said notice shall be served by the Marshal by posting a copy of the same in some conspicuous place on the premises belonging to each owner. If, at the expiration of said ten days, all or any of said owners shall fail to donate said lands for such purposes, the Town Attorney shall file, in the Clerk's office of the District Court of the County of San Luis Obispo, a complaint, stating therein that the petition referred to in the thirteenth section of this Act was duly presented to the Board of Trustees; that such survey had been made; the description, by metes and bounds, or by some accurate designation, of said street or streets, and the width thereof, which in no case shall exceed one hundred feet; the description of the tracts of land belonging to each person through which such street or streets will run, and the description and amount of land taken by such street or streets from each of said owners; that the said tract or tracts of land are necessary for said purposes, and the names of the persons in possession of said tract or tracts of land, and by those claiming any right, title, or interest therein, as far as the same can be ascertained by reasonable diligence and inquiry; and asking that the lands therein described may be condemned as herein provided.

SEC. 15. The persons in the occupation of said tract or tracts Defendants
of land, and those having any right, title, or interest therein, whether named in the complaint or not, shall be defendants thereto, and may appear and be heard before the Commissioners hereinafter provided for, and in all proceedings subsequent thereto, in the same manner as if they had appeared and answered said complaint.

SEC. 16. The said Court or Judges thereof, either in term Hearing of complaint.
time or vacation, shall by order appoint the time for the hearing of said complaint, and such hearing may be had and all orders in said proceedings may be made by the said Court or the Judges thereof, either in term time or in vacation.

Duty of
Town
Attorney.

SEC. 17. The Town Attorney shall cause all the owners and occupants of said tracts of land, so far as they can be ascertained by reasonable diligence, who reside in said town, to be personally notified of the pendency of said complaint at least ten days before the hearing thereof, and if any of said occupants or owners are unknown or do not reside in said town, and have not been personally notified of the pendency of said complaint, said Town Attorney shall cause a notice, stating the filing of said complaint, the objects thereof, the tract or tracts of land sought to be appropriated, and the time and place of the hearing of said complaint, to be published once a week for four successive weeks previous to the time of hearing of said complaint, in some newspaper published in said town.

Notice of
filing
complaint.

Commis-
sioners.

SEC. 18. The defendants to said complaint may appear and show cause against the same, on or before the time for hearing thereof, or such other time as the hearing may be continued to, and upon satisfactory proof being made that the defendants have been duly notified of the pendency of said complaint as herein prescribed, and upon the hearing of the allegation and proofs of the said parties, if said Court or Judge shall be satisfied that the lands or any part thereof are necessary or proper for any of the purposes mentioned in said complaint, the said Court or Judge shall, by interlocutory decree, appoint three competent and disinterested persons as Commissioners (one of whom shall be selected from among the persons, if any named for that purpose, by said town, and one shall be selected from among the persons, if any named, on the part of any of the defendants), to ascertain and assess the compensation to be paid to the person or persons having or holding any right, title, or interest in or to each of said tracts of land for and in consideration of the appropriation of said land to the use of said town. If any vacancy occur among said Commissioners by reason of any one or more of them refusing or neglecting to act, or by any other means, one or more Commissioners may be appointed by said Court or Judge to fill such vacancy, upon notice being given of such vacancy as said Court or Judge may direct.

Meeting.

SEC. 19. The said Court or Judge shall appoint the time and place for the first meeting of said Commissioners and the time for the filing of their report, and may give such further time as may be necessary for that purpose if they shall not have completed their duties. The said Commissioners, or a majority of them, shall meet at the time and place as ordered, and before entering upon their duties shall be duly sworn to honestly, faithfully, and impartially perform the duties imposed upon them, and any one of them may issue subpoenas for witnesses for either party, and may administer oaths; and said Commissioners may adjourn from place to place, and from time to time, as may be necessary for the proper discharge of their duties.

Duty of
Commis-
sioners.

SEC. 20. The said Commissioners shall proceed to view the several tracts of land as ordered by said Court or Judge, and shall hear the allegations and proofs of said parties, and shall ascertain and assess the compensation to be paid to the person or persons having or holding any right, title, or interest in or to each of the several tracts of land sought to be appropriated. In ascertaining such compensation they shall take the

actual value of such land, and the actual value of improvements Same. thereon that may be wholly destroyed or rendered useless by such appropriation, but the amount of any resulting damage they may find from the evidence that any such person will have sustained by reason of such appropriation other than such actual value of said premises may be offset against the value of any benefit or advantage that in their opinion will accrue to him or them by reason of the opening or extending of any street, lane, or alley as projected; and said Commissioners shall, on or before the time or times, as ordered by said Court or Judge, file in said Clerk's office their report, signed by them or a majority of them, setting forth their proceedings in the premises, and they may include all of said tracts in one report, or may make several reports including one or more of said tracts of land, if the said Court or Judge should so order, or if they shall deem it proper.

SEC. 21. In case there are adverse or conflicting claims to the compensation or damages assessed for any tract of land, or any right, title, or interest therein thus sought to be appropriated, the parties assessing such claims shall present the same by petition, to the Court or Judge, after the report of the Commissioners shall have been filed, and said Court or Judge shall proceed to determine the same; and in such case said town, instead of paying to any of said parties so contesting, may pay the amount of such compensation to the Clerk of said Court to abide the order of the Court or Judge in said proceedings, and the town shall not be liable for any of the costs caused by the adjudication of such conflicting claims. The said town or any of said defendants, if dissatisfied with the report, may, within twenty days after the time fixed for filing of said report, and after ten days notice to the parties interested, move to set aside the report and to have a new trial as to any tract of land; and upon good cause shown therefor the said Court or Judge shall set aside the report as to such tract of land, and may recommit the matter to the same, or to other Commissioners, who shall be ordered to proceed in like manner as those first appointed; but such matter shall not be more than once recommitted.

SEC. 22. Upon the expiration of ten days after the filing of said report or reports, or at such further time as may be appointed therefor, if the notice and motion shall not have been made and given as aforesaid, and if the proceedings of said Commissioners appear to have been correctly and properly had, the said Court or Judge shall confirm each of said reports, and shall immediately certify such confirmation thereon.

SEC. 23. Each of said reports and the certificate thereon, upon the compensation therein named being paid, shall be recorded in the Recorder's office of said county by said town. The said Court or Judge may make all such orders as may be necessary or proper in special proceedings provided for in this Act, and shall cause the pleadings and proceedings to be amended whenever justice may require it to be done, and shall direct the manner of service of all orders and notices not herein specially provided for. Costs in such special proceedings shall be taxed by the Clerk at the rates prescribed in the Fee Bill for said county in civil actions, and shall be paid by said town, except

in case where a defendant shall move for and obtain a new trial; and the compensation assessed by the Commissioners on such new trial shall not be increased more than ten per cent upon the previous assessment, in which case the defendants shall pay the cost.

When title
to vest.

SEC. 24. Upon the report of the Commissioners being filed for record as above provided for, and upon the payment or tender of the compensation and cost, as provided for in this Act, the real estate, or the right, title, or interest therein described in such report, shall be by said Court or Judge adjudged and decreed to become the property of said town, to be used as a public street or streets, and appropriated to public use as such.

Claims to
be paid.

SEC. 25. The said Court or Judge shall, at the time of the payment of said sum of money to the said Clerk, or at such other time or times as may be ordered, direct and order the same to be paid over to the person or persons who shall, upon satisfactory proof, appear to be entitled thereto, and shall at the time direct that any and all persons having or holding possession of any of the lands or premises described in said report yield and deliver up the same to the town; and the said Clerk, on the demand of the Town Attorney, shall issue a writ commanding the Sheriff to remove all persons therefrom, and the Court or Judge shall have power to enforce the execution of such writ, as in other cases, and to punish for contempt in case of reentry, as provided in an Act for the punishment of contempts and trespasses, passed April eighth, eighteen hundred and sixty-two.

Minutes of
proceed-
ings.

SEC. 26. The minutes of the proceedings had before such Judge shall be entered by said Clerk in the same manner and with the same force and effect as if the proceedings were had before said Court in term time.

Official
map.

SEC. 27. The map known as Harris and Ward's map of the Town of San Luis Obispo, now on file in the office of the Board of Trustees of said town, shall be and the same is hereby adopted as the official map of said town, so far as the lands included within the corporate limits of said town as hereinbefore described are delineated or shown on said map, and all streets, lanes, alleys, places, or courts laid down or shown on said map are hereby declared public streets, lanes, alleys, places, and courts, and the same are dedicated to public use. And all streets, lanes, alleys, places, or courts which may be hereafter established by the Board of Trustees of said town and dedicated to public use shall be deemed and held to be open public streets, lanes, places, and courts, and whenever the grade and width of said streets, lanes, and alleys, and the grade and size of said places or courts shall have been officially established and determined the Board of Trustees of said town shall have the same jurisdiction to open the same and cause work to be done thereon as is conferred upon them by this Act in regard to streets, lanes, alleys, places, and courts already or hereby dedicated to the public use.

Existing
debts.

SEC. 28. All debts and demands now existing against the Town of San Luis Obispo, and all such as may hereafter arise against or be incurred by said town, shall be submitted to the Board of Trustees, and if found correct shall be allowed, and

an order made that the same be paid, upon which the President of the Board of Trustees shall draw his warrant, countersigned by the Clerk of said town, upon the Town Treasurer, in favor of the owner or owners of such approved claims, specifying out of which Fund the same is payable, and the Treasurer shall pay the same accordingly.

SEC. 29. The corporate limits of said town shall constitute a road district of the County of San Luis Obispo, and the inhabitants thereof shall not be liable to any road tax nor to work on any roads outside of said limits, but shall be liable to be taxed for and to work on the streets and roads within said limits.

SEC. 30. All assessments on property or property holders heretofore made or caused to be made by the present Board of Trustees of said town for grading or repairing any of the streets of the said town, and all contracts made by said Board for grading and repairing said streets are hereby ratified and confirmed, and said Trustees and the Collector of said town shall have the same power to enforce the collection of such assessments as though the same were made under the provisions of this Act.

SEC. 31. All Acts heretofore passed incorporating the Town of San Luis Obispo or relating to the powers thereof, are hereby repealed; *provided*, that this repeal shall not include an Act to settle the title to lands in the Town of San Luis Obispo, passed March twenty-third, eighteen hundred and sixty-eight, the provisions of which, so far as they remain unexecuted shall be and continue in force; and *provided* further, that the offices of the present Trustees of said town shall not be vacated hereby, but they shall continue in office until the election and qualification of their successors under this Act; and *provided* further, that all deeds heretofore made by said town since the passage of said Act, in carrying out its provisions, and in the execution of the trust conferred upon said town by Act of Congress in relation to the lands entered by the same, shall be as valid to all intents and purposes as though the notice required by the second section of said Act had been given after the entry of said land, and the proof of settlement and possession had been made and the lands paid for as required by the third section of said Act; and *provided* further, that claims for land may be filed at any time within one year from the notice of the entry of said town site, to be hereafter given as provided in said section of said Act.

SEC. 32. This Act shall take effect immediately.

CHAPTER CLXXXVI.

An Act for the relief of Michael Conniff.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Relief.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to allow and order paid to Michael Conniff a sum not to exceed six hundred and ninety-one dollars and ninety cents, being an amount due and unpaid on a contract to plank and sidewalk Harrison street, between Second and Third streets, for which no assessment was issued.

SEC. 2. This Act shall take effect on and after its passage.

CHAPTER CLXXXVII.

An Act to amend an Act entitled "An Act to regulate proceedings in civil cases in the Courts of justice of this State," passed April twenty-ninth, eighteen hundred and fifty-one.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two hundred and eighty of the above entitled Act is hereby amended so as to read as follows:

Expenses
of Referees.

Section 280. The expenses of the Referees, including those of a Surveyor and his assistant when employed, shall be ascertained and allowed by the Court, and the amount thereof, together with the fees allowed by law to the Referees, and such attorneys' fees expended for the common benefit, both for plaintiff and defendants, as the Court shall deem just and proper, shall be apportioned among the different parties to the action.

SEC. 2. Section three hundred and eight of the above entitled Act is hereby amended so as to read as follows:

Costs of
partition,
by whom
to be paid.

Section 308. The costs of partition, including fees of Referees, and such attorneys' fees expended for the common benefit, both for plaintiffs and defendants, as the Court shall deem just and proper, and other disbursements, shall be paid by the parties respectively entitled to share in the lands divided in proportion to their respective interests therein, and may be included and specified in the judgment. In that case they shall be a lien on the several shares, and the judgment may be enforced by execution against such shares, and against other property held by the respective parties. When, however, a litigation arises between some of the parties only, the Court may require the

expense of such litigation to be paid by the parties thereto, or any of them.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CLXXXVIII.

An Act to prevent the sale of intoxicating drinks to minors.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person who sells or gives to another under the age of sixteen years, to be by him drank at the time as a beverage, any intoxicating drink, is guilty of a misdemeanor, and punishable by a fine not exceeding one hundred dollars, or by imprisonment in the County Jail not exceeding three months; ^{Intoxicating drinks.} ^{Punishment.} provided, that nothing in this Act shall be deemed to apply to parents of such children or guardians of their wards or physicians.

CHAPTER CLXXXIX.

An Act supplementary to an Act entitled an Act to provide additional funds for the support of the common schools of Siskiyou County for the year commencing on the first day of July, eighteen hundred and seventy-one, and ending the thirtieth day of June, eighteen hundred and seventy-two, approved December twenty-first, eighteen hundred and seventy-one.

[Approved March 2, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Superintendent of Common Schools of Siskiyou County must apportion the moneys collected under authority of the Act to which this Act is supplementary, among the school districts of the county, in such manner that they shall be able severally to maintain schools for the same length of time from the moneys so apportioned to them. ^{Apportionment.}

SEC. 2. The Superintendent must make the first apportionment required by this Act and the Act to which it is supplementary, on the third Monday of March, eighteen hundred and seventy-two, and subsequent apportionments at the times fixed in the Act to which this Act is supplementary. ^{When made.}

SEC. 3. This Act shall take effect immediately.

CHAPTER CXC.

An Act supplementary to an Act entitled "An Act providing for an Attorney and Counselor in and for the City and County of San Francisco," approved March twenty-fifth, eighteen hundred and sixty-two.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Book of registry. SECTION 1. The City and County Attorney of the City and County of San Francisco shall keep in his office well bound books of registry, in which shall be entered and made a register of all actions in which said City and County Attorney may appear. Each outgoing City and County Attorney shall deliver such books of registry and all other property of said city and county in his possession to his successor in office, who shall give him duplicate receipts therefor, one to be filed in the office of the Auditor of said city and county and one to be retained by such outgoing officer. The Board of Supervisors of said city and county are hereby empowered and required to provide complete sets of the statutes of this State and of the reports of the Supreme Court of this State, for use in the office of the City and County Attorney, and the Auditor of said city and county is hereby required to audit the claims therefor, and the Treasurer of said city and county to pay the same out of the General Fund of said city and county. There shall be two Clerks in the office of said City and County Attorney, one of whom shall receive a salary of one hundred and fifty dollars per month and the other a salary of seventy-five dollars per month, and the Board of Supervisors of said city and county are hereby authorized and required to allow and order the said salaries paid monthly out of the General Fund.

Statutes and reports

Clerks and salaries.

SEC. 2. The Clerks allowed by this Act shall be in lieu of all others allowed by law to the City and County Attorney, and no other persons shall receive pay from the Treasurer of the city and county for services rendered to said City and County Attorney.

Repealing. SEC. 3. All Acts or parts of Acts conflicting with this Act are hereby repealed.

CHAPTER CXCI.

An Act to provide for the payment of certain fees in the County of Butte.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each person duly subpoenaed, either as a witness or a juror in criminal cases, whether before the Court or the Grand Jury, shall be entitled to pay for each day's attendance at the rate of two dollars per day, and for mileage at the rate of twenty-five cents for each mile necessarily traveled in going only; but *provided*, that no person shall be entitled to pay for such service when rendered within the township in which he resides. Fees of witnesses and jurors.

SEC. 2. This Act shall only apply to the County of Butte.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CXCI.

An Act to repeal an Act entitled an Act to provide for the protection of lands in the County of Sutter from overflow, approved April fourth, eighteen hundred and seventy.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled an Act to provide for the protection of lands in the County of Sutter from overflow, passed April fourth, eighteen hundred and seventy, is hereby repealed. Repealing.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXCIIL

An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell and convey a certain piece of land comprising Old Cemetery Avenue and the triangular plaza reserved by the Outside Land Committee, up to the New Cemetery Avenue, and for other purposes.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Supervisors to sell.** SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to sell the triangle bounded by the south line of Bush street, the east line of New Cemetery Avenue, the north line of Sutter street, and the east line of Old Cemetery Avenue, to the person or persons who now own the land fronting on Old Cemetery Avenue, and to allow said Old Cemetery Avenue closed.
- To convey.** SEC. 2. The said Board of Supervisors shall authorize the Mayor of the said City and County of San Francisco to convey to such person or persons (as are mentioned in section one) so much of the land contained in section one as fronts the premises of such person or persons; or the said Board of Supervisors may authorize a conveyance by the said Mayor of the whole of said premises to any one or more of such persons entitled thereto, for himself and them, and in trust for others lawfully entitled by virtue hereof. The said Mayor shall thereupon deed the property in conformity with the order of said Board, and the deed of the said Mayor shall be conclusive evidence of the right to convey, and its conformity with the order of said Board.
- Deed.** SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CXCIIV.

An Act to provide for deficiencies in the funds of the School Districts of Contra Costa County.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Election.** SECTION 1. On notice from the County Clerk of the passage of this Act, the Trustees of any school district in the County of Contra Costa deficient in funds to pay the expenses of maintaining the public school of the district during the past school year of eighteen hundred and seventy-one and eighteen hun-

dred and seventy-two, may, in their discretion, order an election in such district for the election of an Assessor and Collector of a tax to be levied to supply such deficiency.

SEC. 2. The notice of election provided for in this Act shall be posted, as is now required by the school law of the State, for the period of ten days prior to the day of such election, and the election shall be conducted and the assessment made and tax collected and paid into the County Treasury as is provided already by law for school district elections and tax assessments and collections. Notice of election.

SEC. 3. Each District Assessor elected under the provisions of this Act, upon receiving the certificate of his election from the Trustees, shall immediately proceed to ascertain and enroll all the taxable persons and property in the district, and within fifteen days return his roll, footed up, to the Trustees. District Assessor.

SEC. 4. The Trustees, upon receiving the roll, shall deduct twenty-five per cent therefrom for anticipated delinquencies, and to cover the expenses of assessing and collecting the tax, and then from the remaining amount ascertain the rate per cent on the same necessary to meet the deficiency referred to in section one of this Act, and the rate so ascertained shall be and is hereby assessed to and levied on and against the persons and property described in the said assessment roll, and it shall be a lien against all such property until the tax is paid. Assessment

SEC. 5. In all proceedings under this Act, not inconsistent therewith, the provisions of an Act entitled an Act to amend an Act to provide for a system of common schools, approved April fourth, eighteen hundred and seventy, shall be applicable. Act applying.

SEC. 6. It is hereby made the duty of the Treasurer of the County of Contra Costa to immediately furnish the Trustees of each school district in the county with a statement of the amount of funds in his hands to the credit of such district. Treasurer.

SEC. 7. This Act shall take effect immediately.

CHAPTER CXCIV.

An Act supplemental to an Act entitled an Act for the maintenance of public roads and trails in the County of Sierra, approved February ninth, eighteen hundred and sixty-six.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the Supervisors of said county shall have appointed any Road Overseer they shall forthwith notify the Collector of taxes in said county of such appointment, who shall immediately deputize said appointee or appointees to collect the taxes provided for in the Act to which this Act is sup- Road Overseer.

plemental; and until they have been so deputized they shall not have the power to collect the taxes aforesaid.

SEC. 2. Nothing in this Act contained shall be so construed as to prevent the Road Overseers from receiving labor and material in payment of said taxes, and applying such labor and material, and all money collected by them, in the manner provided for in said Act.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXCVI.

An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April fourth, eighteen hundred and seventy.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of an Act entitled an Act to incorporate the Town of Colusa, approved April fourth, eighteen hundred and seventy, is hereby amended so as to read as follows:

Powers and
duties of
Board of
Trustees.

The Board of Trustees shall have power to pass ordinances not inconsistent with the Constitution and laws of the United States and of this State as they may deem necessary, to determine what are nuisances, and prevent and remove the same; to prevent any or all domestic animals from running at large within the corporation limits, to control and regulate slaughter houses, or to provide for their exclusion from within the town limits; to prohibit disorderly conduct, to provide for licensing shows and lawful games, to license every kind of business carried on within the town limits, to regulate and restrain theatrical and other amusements, and to fix the rate of license tax upon all such business, which shall not exceed the amount fixed by law for State and county purposes; to regulate and establish markets, to construct and keep in repair pumps, aqueducts, reservoirs, levees, or other works necessary to protect the town from injury by fire and water; to construct and keep in repair wharves, and fix the rate of wharfage and collect the same; to lay out, alter, keep open, and repair the streets, alleys, and public squares and other public grounds of the town; to purchase or lease such real estate and personal property as may be necessary or proper for the interest of said town or the transaction of the business of the Board of Trustees or other officers of said town, or the safe keeping of prisoners; to sell and convey the said real and personal property when deemed unnecessary for the above specified purposes; to lease, for a period not exceeding ten years, portions of the river front for the use of a sawmill or other purposes that they may deem beneficial to the interest of said town; to grant the right of way to railroad companies within

the corporate limits of said town, making such prohibitions and Same. restrictions as the safety of the inhabitants may demand; to levy and collect, annually, a poll tax, not exceeding three dollars, on each male inhabitant over the age of twenty-one years, and a property tax not exceeding two per cent upon the assessed value of the real and personal property; that said Board of Trustees shall sit as a Board of Equalization, and shall be governed by the general laws of the State regulating the powers and duties of the County Board of Supervisors in similar proceedings. The tax levied under the provisions of this Act is hereby made a lien against the property assessed, which shall attach on the day of this levy, and shall not be satisfied or removed until such taxes are paid or the property has absolutely vested in a purchaser under a sale for such taxes.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CXCVII.

An Act to amend an Act entitled an Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns of this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, approved March twenty-fourth, eighteen hundred and sixty eight.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. The corporate authorities of every city and incorporated town, situated upon the public lands of this State, shall within three months after date of receipt at the United States District Land Office of the approved plat of the township, embracing the lands upon which the town or city is situated, file in said Land Office an application in writing, describing the tract of land thus occupied, and thereafter make proof and payment for the tract in the manner required by law.

SEC. 2. Section three of said Act is hereby amended so as to read as follows:

Section 3. The said corporate authorities shall, after the Survey, filing of their application, if not previously done, cause a survey to be made by some competent person, of the lands which the inhabitants of said city or town may be entitled to claim under the said Act of Congress, located according to the legal subdivisions of the sections and by the section lines of the United States, and the same shall be distinctly marked by suitable

monuments; such survey shall further particularly designate all streets, roads, lanes and alleys, public squares, churches, school lots, cemeteries and commons, as the same exist and have been heretofore dedicated in any manner to public use, and by measurement the precise boundaries and area of each and every lot or parcel of land and premises claimed by any person, corporation, or association within said city or town site shall be designated on the map, showing the name or names of the possessor, or occupants and claimants if other than the occupant of each particular lot and parcel of land; and in case of any disputed claim as to lots, lands, premises, or boundaries, the said Surveyor, if the same be demanded by any person, shall designate the lines in different color from the body of the plat of such part of any premises so disputed or claimed adversely. A plat thereof shall be made in duplicate, on a scale of not less than eighty feet to one inch, which shall be duly certified under oath by the Surveyor, one of which shall be filed with the County Recorder of the county wherein the town is situated, and one shall be deposited with the City or Town Clerk. These plats shall be considered public records, and shall each be accompanied with a copy of the field notes, and the County Recorder shall make a record thereof in a book to be kept by him for that purpose. The said Surveyor shall number the blocks as divided by the roads and streets opened at the time of making such survey, and shall number the several lots consecutively in each block, and all other parcels of land within said town or city surveyed as herein provided, which said numbers shall be a sufficient description of any parcel of land in said plats, field notes, and records, and certified copies thereof shall be prima facie evidence of the contents and correctness thereof in all the Courts of this State.

Official
plats.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CXCVIII.

An Act to appoint additional Notaries Public for the County of San Diego.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Additional
Notaries
Public.

SECTION 1. The Governor is hereby authorized to appoint three additional Notaries Public for the County of San Diego, two of them to reside within the limits of the Julian Mining District and one to reside in the City of San Diego, to hold their office for the term of two years, and until their successors are appointed and qualified.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER CXCI.

An Act supplementary to an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Road Overseers of the respective road districts in the Counties of Shasta and Trinity shall levy and collect the road poll tax authorized by the provisions of an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eight, eighteen hundred and sixty-three, in their respective districts only; and if any Road Overseer of any of the said districts levies or collects any road poll tax in any road district other than the one of which he is Overseer, or levies or collects such road poll tax from any person who is known to be a resident of a road district other than the one of which he is Overseer, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two hundred dollars, for which fine his official bond shall be liable, and it shall be the duty of the Board of Supervisors to declare the office of the Road Overseer so offending vacant, and fill such vacancy as provided by law. Road poll tax.
Misdemeanor.

SEC. 2. The Road Overseer of the district in which the road poll tax is unlawfully levied or collected shall have a remedy by civil action against the Road Overseer unlawfully levying or collecting such tax, to recover the amount so unlawfully collected, together with costs of the suit. Remedy.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CC.

An Act to empower and authorize the Commissioners of the former Pueblo or City of Sonoma to sell and convey a portion of the lands known as the Pueblo grant of Sonoma.

[Approved March 4, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jacob R. Snyder, George L. Wratten, and John Walton, the Commissioners of and for the Pueblo or City of Sonoma, in the County of Sonoma, shall, within ninety days after this Act goes into effect, call an election to be held within the exterior limits of said pueblo lands, as laid down on O'Far- Commissioners.

Election. rel's map of the Town or City of Sonoma, and at said election shall submit to the legal voters residing on the land described on said map whether the portion of said lands known on said map and in the Town of Sonoma as the "Plaza," shall for the consideration of ten dollars be sold and conveyed to and given in charge to the Society of California Pioneers for the district composed of Sonoma, Napa, Marin, Mendocino, and Lake Counties, to be held and used during the existence of said society for the purpose of erecting and maintaining halls and offices thereon for the use of said society, its officers, and members, and for the purpose of protecting and beautifying said grounds by keeping a good substantial fence around the same, and planting shade and ornamental trees, and laying off and improving walks therein for a public promenade.

Notice of election. SEC. 2. The said Commissioners shall, at least ten days next before such election, give public notice of the time when and place where said election will be held, by posting in at least three public places in said pueblo a notice that such a proposition will be submitted to the qualified electors within said limits for their approval or rejection, and shall appoint three qualified electors to act, one as Inspector and the other two as Judges of said election, who shall, before entering upon the discharge of their duties, be duly sworn by an officer authorized to administer oaths to discharge the duties of Inspector and Judges faithfully and impartially to the best of their knowledge and ability according to law; and said Inspector and Judges shall appoint the Clerks for said election.

Proceedings. SEC. 3. The manner of voting and all the proceedings connected with said election, and the ascertaining and declaring the result shall be the same as at the general election for State and county officers, except as in this Act particularly and specially provided.

Ballots. SEC. 4. The ballots cast at said election shall have written or printed thereon "sell and convey plaza to pioneers," and every ballot cast at said election in favor of said proposition shall have the word "yes" written or printed thereon, and every ballot cast at said election against said proposition shall have the word "no" written or printed thereon.

Result, how certified. SEC. 5. The result of said election shall be certified to said Commissioners by the Inspector, Judges, and Clerks of said election, and if at said election a greater number of electors voting on said proposition have voted "no" than have voted "yes," the said proposition shall be by said Commissioners declared rejected. But if at said election a greater number of electors voting on said proposition have voted "yes" than have voted "no," then said proposition shall be deemed approved and by said Commissioners shall be declared and approved, and a record of the fact of such approval shall be entered upon the records of the proceedings of said Commissioners.

Conveyance. SEC. 6. Said Commissioners shall, as soon as practicable after the approval of said proposition, sell to the Society of California Pioneers named in section two of this Act, for the consideration of ten dollars, and convey in trust for said society to the parties authorized by the by-laws of said society to hold real estate in trust for it, the said tract of land known in said

town and ex-City of Sonoma as the principal plaza and laid down and designated on O'Farrel's map of said Town of Sonoma as the "plaza."

SEC. 7. As a part of the terms and conditions of the sale provided for in this Act, it is understood that said Society of California Pioneers shall perpetually keep a good substantial fence around and inclosing said plaza, with gates or stiles therein, and shall, within five years after said plaza is conveyed to it, expend at least five thousand dollars on said plaza, in erecting buildings thereon and otherwise beautifying said grounds, and that said society shall not sell or convey said lands or any part thereof; and in case said society fails to comply with said conditions and requirements, or violate said restrictions, then the title to said lands, as well as all improvements thereon, shall revert to and vest in the Town of Sonoma; *provided*, that if at any time the said Society abandons the plaza, or in any manner fails to comply with the terms herein conveyed, then this Act shall be to all intents and purposes void. Terms and conditions.

SEC. 8. The election herein provided for is hereby exempted from the provisions of the Registry Act. Exemption

SEC. 9. Any person who shall willfully and intentionally injure or destroy, or cause to be injured or destroyed, any fence, gate, or stile, or any part thereof now surrounding and inclosing said plaza, or any building, fence, gate, or stile that may hereafter be erected thereon or around said plaza, or shall injure, break, cut, destroy, or cause to be injured or destroyed, any shade or ornamental tree or shrub now planted or that may hereafter be planted thereon, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine in any sum not exceeding five hundred dollars. Misdemeanor.

SEC. 10. All Acts and parts of Acts, in so far as they conflict with the provisions of this Act, are hereby repealed.

CHAPTER CCI.

An Act to amend an Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of Los Angeles and in the County of San Diego, and part of Monterey County, approved February fourteenth, eighteen hundred and seventy-two.

[Approved March 5, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixteen of said Act is hereby amended so as to read as follows:

Act
applying.

Section 16. This Act applies only to the Counties of Los Angeles, San Diego, and all that portion of Monterey County lying north of the fifth standard line south, Mount Diablo base; *provided*, that no damages shall be recovered in the County of San Diego for any alleged trespass upon lands subject to the provisions of this Act, unless it appear that the plaintiff has actually and in good faith entered upon his land, and has been prior to or at the time the action is brought cultivating the same, and has suffered or is likely to suffer injury from the trespass committed.

SEC. 2. This Act shall take effect in the County of Monterey on the first day of July, eighteen hundred and seventy-two.

CHAPTER CCII.

An Act appropriating money to pay the contingent expenses of the Revision Commission.

[Approved March 5, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation for
Revision
Commission.

SECTION 1. There is hereby appropriated, out of any moneys in the General Fund in the State Treasury not otherwise appropriated, the sum of sixty-five hundred and twenty-five and fifty-six hundredths dollars, to pay the contingent expenses of the Revision Commission, as follows: to pay the claim of Curtis H. Lindley, for clerk hire and moneys expended, in full, twenty-three hundred and thirty-two dollars; to pay the claim of Will J. Beatty, for clerk hire, in full, thirty-four hundred dollars; to pay the claim of A. D. Rightmire, as porter, two hundred and fifty-two dollars; to pay the claim of Wells, Fargo & Co., for express charges, five hundred and forty-one and fifty-six hundredths dollars.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER CCIII.

An Act making appropriations for deficiencies in the appropriations for the twenty-third fiscal year.

[Approved March 5, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twenty-two thousand four hundred and fifty dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the objects herein named, to wit: for stationery, lights, fuel, and for the Legislature and State officers, to be expended under the direction of the Secretary of State, twenty-two thousand dollars; for copying and indexing the laws of the nineteenth session of the Legislature in the office of the Secretary of State, four hundred and fifty dollars.

Appropriation for deficiencies

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCIV.

An Act amendatory of and supplementary to an Act approved April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento.

[Approved March 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the annual city election on the second Tuesday in March, eighteen hundred and seventy-two, and at the annual city election every two years thereafter, there shall be elected by the qualified voters of the City of Sacramento a Chief of Police, and the person so elected shall enter upon the duties of office on the first day of the month next succeeding his election, and shall hold his office for the term of two years and until his successor is elected and qualified.

Chief of Police.

SEC. 2. The Department of Police of said city shall be under the direction of the Chief of Police in subjection to the laws of this State. In the suppression of any riot, public tumult, disturbance of the public peace, or organized resistance against the laws or public authorities in the lawful exercise of their functions, or in any crimes or misdemeanors, he shall have the powers that now are or may hereafter be conferred upon Sheriffs by the laws of this State, and his lawful orders shall be promptly executed by all police officers in said city, and every citizen

Department of Police.

shall also lend him aid when required for the arrest of offenders and maintenance of public order.

Office.

SEC. 3. The Chief of Police shall keep a public office, to be provided by the Board of Trustees, which shall be open, and at which he, or in case of his necessary absence, a police officer by him designated, shall be in attendance at all hours, day and night. He shall not be absent himself from the city without urgent necessity; and if such absence from the city be on any other than business immediately connected with his office, he shall lose his salary for the time of such absence, of which account shall be kept by the Police Judge.

Absence.

Police
Judge's
Court.

SEC. 4. The Chief of Police shall designate one out of the number of police officers to attend constantly upon the Police Judge's Court to execute the orders and process of the said Court. He shall see that the lawful orders and process issued by the Police Judge's Court are promptly executed, and shall exercise such other powers connected with his office as head of police as may be prescribed in the regulation adopted by the Board of Police Commissioners.

Informa-
tion and
advice.

SEC. 5. The Chief of Police shall acquaint himself with all the statutes and laws in force in this State defining public offenses and regulating criminal proceedings, and shall give information and advice touching said laws gratuitously to all persons asking it.

Police
Commis-
sioners.

SEC. 6. From and after the first day of April, eighteen hundred and seventy-two, there shall be in said city a Board of Police Commissioners, which Board shall consist of the President of the Board of Trustees, the Chief of Police, and the Police Judge. Any two of said Police Commissioners shall be a quorum to transact business. The said Board are hereby authorized, immediately on entering upon the duties of said office, to appoint a permanent police force for said city, which they shall equip and uniform under such rules and regulations as they may from time to time prescribe. The Board shall have the power to remove any member of the Police Department for the violation of any rules and regulations which they may make and promulgate to the said Police Department, or for other good cause; but only on written charges preferred against and served upon him, and upon a public trial and conviction by said Commissioners. The said police force shall consist of a Captain of Police and such number of policemen, not exceeding fifteen, as said Board of Police Commissioners may deem necessary for the protection and good government of the city. The Chief of Police shall receive one hundred and fifty dollars per month, the Captain of Police one hundred and twenty-five dollars per month, and the policemen one hundred dollars per month, to be paid monthly from the City Treasury.

Powers.

Salaries.

Bond.

SEC. 7. Before entering upon the duties of the office of Chief of Police as provided in this Act, such Chief of Police shall enter into a bond to the City of Sacramento, with two or more sureties, in the penal sum of five thousand dollars, conditioned for the faithful discharge of his duties as such Chief of Police, which said bond shall be approved by the County Judge, and filed in the office of the County Clerk. Said Commissioners shall take the usual oath of office before the County Judge, and

the further oath or affirmation that in every appointment or removal to be by them made to or from the police force created and to be organized by them under this Act, they will in no case and under no pretext appoint or remove any policeman for or on account of the political opinion of such policeman, or for any other cause or reason than the fitness or unfitness of such person, in the best judgment of said Commissioners, for the place to which he shall be appointed or from which he shall be removed; and the said oath or affirmation shall be filed with the County Clerk.

SEC. 8. The Board of Police Commissioners are hereby authorized to make all such rules and regulations, not inconsistent with this Act, as they may judge necessary for the appointment, employment, uniforming, disciplining, trial, and government of the members of said Police Department. All lawful rules and regulations of the Board shall be obeyed by the members of said Police Department on pain of dismissal, or such lighter punishment as may be prescribed by said Board; and the said Board shall have the power to suspend from duty, fine, or forfeit the pay of any policeman for violating any of the rules or regulations by them made and adopted.

Rules and
Regulations.

SEC. 9. Each member of the Police Department shall, before his appointment, file with the Police Commissioners a certificate signed by twelve freeholders and qualified voters of the said city, setting forth that they have been personally and well acquainted with the applicant for two years next preceding the date of the application, that he is a man of good repute for honesty and sobriety, and that he is in all respects fit to discharge the duties of a member of said Police Department; but no person shall be appointed to membership in said Police Department who is not a citizen of the United States, or who has ever been convicted of any crime involving moral turpitude, or who is not of good character for honesty, sobriety, and morality, or who is unable to understandingly read and write the English language, or who is deficient in strength and courage.

Certificate
of recom-
mendation.

SEC. 10. No Captain or any regular policeman shall be allowed to receive any money as a gratuity or extra compensation for any service he may render as such officer of police without the consent of the Board of Police Commissioners; and any officer of police who shall, directly or indirectly, receive any money as extra compensation without such permission, shall be forthwith dismissed from office. The Chief of Police, Captain, or policeman, shall not follow any other profession or calling, nor be allowed pay for any period during which they shall absent themselves from public duty. Police officers, under the general directions of the Chief of Police, shall be prompt and vigilant in the detection of crime, the arrest of public offenders, the suppression of all riots, affrays, and disturbances of the public peace, in causing the abatement of public nuisances, and the enforcement of the laws of this State.

No extra
compensa-
tion.

SEC. 11. The Board of Police Commissioners, whenever expedient, or on the application of any citizens, may appoint special policemen to do special duty at any place in said city. But the policemen so appointed shall not receive any pay or compen-

Special
policemen.

- sation from the city. While holding such appointment he shall possess all the powers and discharge all the duties of police officers, and be subject to obey all the rules and regulations of said Board. The person so appointed may be removed at any time by the Police Commissioners. All special peace officers in said city must be appointed by the Police Commissioners, and under the control of the Chief of Police.
- Removal.**
- Charges.** SEC. 12. Charges of oppression or official misconduct, when presented by any citizen of said city against the Police Captain or any police officer, and verified on oath, setting forth the specific acts complained of, shall be received and attentively considered and determined by the Board of Police Commissioners, giving the accused due notice and an impartial hearing in defense. The Chief of Police may be accused, tried, and removed from office in the mode prescribed by the laws of this State for the removal of civil officers otherwise than by impeachment.
- Vacancy.** SEC. 13. In case of a vacancy in the office of Chief of Police the Board of Trustees of said city shall have power to appoint a Chief of Police until the next city election, at which time a Chief of Police shall be elected to fill the unexpired term. The Chief of Police and police officers now appointed by the Board of Trustees shall continue in office until the first day of April, eighteen hundred and seventy-two.
- Police Department Fund.** SEC. 14. At the time of the levy of the annual city taxes the Board of Trustees of said city shall estimate the amount of money that will be required for police purposes during the fiscal year, and shall cause the same to be kept as a separate distinct Fund, to be called the "Police Department Fund," and to be used for no other purpose whatever, except the payment of the salaries and expenses of the Police Department, and shall levy a special tax sufficient to meet said estimated expenses, to pay the officers and expenses provided for in this Act.
- Repealing.** SEC. 15. Section thirty-two of the Act, the title of which is recited in this Act, so much of the first clause of section two of said Act as gives the Board of Trustees power to appoint a Chief of Police and eight policemen, and so much of said Act as authorizes the Board of Trustees to appoint special policemen, and all Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.
- SEC. 16. This Act shall take effect on its passage.

CHAPTER CCV.

An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two.

[Approved March 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty of said Act is hereby amended so as to read as follows:

Section 20. The Board of Supervisors shall have power to levy a property tax for road and bridge purposes, not to exceed fifty cents per annum upon each one hundred dollars, upon all real and personal property of said county subject to taxation for State and county purposes, and not included within the limits of the City of Oakland; and they may vary the tax in the different townships by levying a higher number of cents upon each one hundred dollars of valuation in one township and a less number of cents on each one hundred dollars of valuation in another township, which shall be levied on or before the first Monday of June in each year, to be levied and collected at the same time and in the same manner as the State and county taxes are levied and collected; also, to levy a road poll tax annually, not exceeding two dollars to each man; and all such persons as are required by law to pay a State poll tax shall pay the same, and to be collected in the same manner as the State poll taxes; *provided*, that the provisions of this section, so far as it relates to a road property tax or poll tax, shall not apply to the City of Oakland, nor shall any such tax be levied or collected by said Supervisors in said city; and all moneys collected in the several road districts under this Act shall be set apart by the County Treasurer to the credit of the road district in which the same was collected, and shall be known as "District Road Fund," and shall be used for road and bridge purposes in said districts, including damage allowed by said Board of Supervisors, in laying out and opening roads and highways; *provided*, that the Board of Supervisors shall have the power, if they consider it necessary, to set apart from the Fund of the several road districts a sum not exceeding ten per cent of the whole money collected in each year from the several road districts, for special road and bridge purposes, to be known as a special Road and Bridge Fund.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCVI.

An Act supplemental to and amendatory of an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two.

[Approved March 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of the above named Act is hereby amended so that it shall read as follows:

Election of
Trustees
for the
Town of
Chico.

Section 4. On the first Monday in February, eighteen hundred and seventy-two, there shall be elected, from and by the qualified electors of the Town of Chico, five Trustees, of whom two shall be elected for a term of one year, and two shall be elected for a term of two years, and one shall be elected for a term of three years; and all persons so elected hold office until their successors are elected and qualified. On the first Monday of February of each year thereafter there shall be elected, from and by the qualified electors of said town, the successors to the Trustees whose terms are then about to expire, and the term of office of each of such successors shall be three years from and after the second Monday of February next succeeding their election. In case any vacancy shall occur in said Board of Trustees, the same shall be filled by a vote of the majority of the remaining members of the Board, until the next election for Trustees, when the office shall be filled for the unexpired term in the same manner as were elected the Trustees whose term of office is about to expire. All elections under this Act shall be conducted in accordance with the general election laws of this State.

SEC. 2. This Act shall go into effect from and after its passage.

CHAPTER CCVII.

An Act relative to certain County Warrants in the Treasury of the County of Sacramento.

[Approved March 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sacra-
mento
County
Treasury.

SECTION 1. The President of the Board of Supervisors and the County Auditor of the County of Sacramento are hereby authorized and required to count certain uncanceled county warrants as cash, now in the County Treasury of said county, drawn as follows: Hospital Sinking and Interest Fund, the sum of thirty-two thousand seven hundred and eighty-five ninety-

five one hundredths dollars; Court House and Jail Fund, forty- Same.
 six thousand three hundred and nine thirty-two one hundredths
 dollars; General Fund, fourteen thousand two hundred and
 eighty-six eighty one hundredths dollars, amounting in the
 aggregate to the sum of ninety-three thousand three hundred
 and eighty-two seven one hundredths dollars; and the County
 Treasurer elect of said county is hereby authorized and
 required to receive the said warrants as cash in the settlement
 of the ex-County Treasurer's account of funds remaining in the
 County Treasury on the fourth day of March, A. D. one thou-
 sand eight hundred and seventy-two.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCVIII.

An Act to authorize the County of Sacramento to issue bonds.

[Approved March 6, 1872.]

*The People of the State of California, represented in Senate and
 Assembly, do enact as follows:*

SECTION 1. The County of Sacramento is hereby authorized to issue, either at one time or from time to time, in its corporate name of the Board of Supervisors of the County of Sacramento, its bonds, to be known as Sacramento County Bonds of eighteen hundred and seventy-two, to such an amount, not exceeding in the aggregate the sum of two hundred and twenty thousand dollars, as the said Board of Supervisors may deem necessary and proper, pledging the faith of the county that at the expiration of thirty years from the first day of May, one thousand eight hundred and seventy-two, it will pay, in gold coin of the United States, at the office of the Treasurer, in the City of Sacramento, a sum of money to be therein stated (which sum shall be one hundred dollars, or some multiple of one hundred dollars), and that it will also, semi-annually, on the first day of January and the first day of July, pay at said office interest thereon in like coin, at the rate of eight per centum per year, upon the delivery to the said Treasurer of the coupon for the interest then due; and each of said bonds shall contain a clause reserving to the county the right to pay said bond at its option, at any time after the expiration of twenty years from its date, and that interest thereon shall cease at the expiration of six months from the publication of a notice in the City of Sacramento that the county is prepared to pay the bond; *provided*, said notice is not given until after the expiration of said twenty years.

SEC. 2. Said bonds shall be prepared by the County Treasurer, and shall be numbered consecutively, and be recorded and

Description signed by him, and shall then be signed by the President of the Board of Supervisors and be delivered to the County Auditor, who shall countersign them and register them in his office; the registry of the Treasurer and Auditor shall each show the number, date, and amount of each bond, and when it was issued, and to whom. Each bond shall have attached to it coupons for the semi-annual interest, each of said coupons bearing the number of its bond, the date when it will be due, the amount to be paid, and the number of its series in the order of becoming due, making the coupons first due number one; said coupons shall be signed by the Treasurer.

Terms and conditions of sale.

SEC. 3. The Board of Supervisors may dispose of the whole or any part of said bonds at one time, or from time to time, as may be deemed proper, by offering them to the highest bidder, after giving at least thirty days notice in two newspapers published in the City of Sacramento and two published in the City of San Francisco, of the time and place where and when the bids will be opened, and the terms and conditions, if any, that must accompany the bids; *provided*, that said Board of Supervisors may dispose of the whole or any part of said bonds at private sale, at a price not less than ninety cents on the dollar, and shall also have the right to reject the whole or any part of the bids that may be received.

Payment of interest.

SEC. 4. Whenever any interest coupon that is due, or any bond that has become due, is presented to the Treasurer, he shall pay it out of the Bond Interest and Sinking Fund of Eighteen Hundred and Seventy-two, and no order, authority, or warrant shall be necessary to authorize the Treasurer to make the purchases and payments required by this Act, and the delivery by him to the Auditor of the canceled bond or coupon shall be the Treasurer's sufficient voucher in the settlement of his accounts.

Tax for a Sinking Fund.

SEC. 5. At the time of making the levy of county taxes the said Board of Supervisors shall annually levy a special tax, to be known as the Bond Interest and Sinking Fund of Eighteen Hundred and Seventy-two Tax, sufficient to pay the annual interest on the outstanding bonds issued under this Act; and in the year eighteen hundred and ninety, and annually thereafter, until all the bonds issued under this Act are paid, they shall, in addition to the aforesaid tax, levy a further tax of five cents on each one hundred dollars of taxable property; which said additional five cents shall be added to and collected as a part of the Bond Interest and Sinking Fund of Eighteen Hundred and Seventy-two Tax; and on the fifth levy of taxes next prior to said bonds becoming due, the said Board of Supervisors shall estimate what rate per hundred dollars of taxable property levied yearly for five years will pay said bonds, and during each of said five years they shall levy that rate instead of the aforesaid five cents.

Redemption.

SEC. 6. Whenever in any year there shall be in the Bond, Interest, and Sinking Fund of Eighteen Hundred and Seventy-two a surplus of five thousand dollars or more, in addition to the sum sufficient to pay the interest due in January and July of that year, the Treasurer shall give ten days notice in some newspaper published in the City of Sacramento of the amount

of such surplus money, and that he will at a day and hour specified in such notice open sealed offers for such money or any part thereof in exchange for bonds issued under this Act, and that to the extent of such surplus money he will purchase such bonds from the party offering the best terms to the county therefor; *provided*, however, that he shall not make any purchase at a rate exceeding par and accrued interest; and *provided* further, said bids shall be opened in public and in presence of the Auditor.

SEC. 7. The money arising from the sale of the bonds, the issuance of which is provided for in this Act, shall be distributed into Funds as follows, to wit: Twenty-three thousand dollars to the credit of the Hospital Fund; forty-six thousand nine hundred dollars to the credit of the Court House and Jail Fund; thirty-three thousand eight hundred dollars to the credit of the Hospital, Interest, and Sinking Fund; five thousand eight hundred and sixty-seven dollars to the credit of the Bond, Interest, and Sinking Fund of Eighteen Hundred and Seventy-two, the Fund credited by this Act, and the surplus to the credit of the General Fund. Apportionment of money derived from sale.

SEC. 8. For the services performed as required by this Act, the County Treasurer shall receive the sum of five hundred dollars, and the County Auditor the sum of two hundred and fifty dollars, payable out of the General Fund, but no other officer of whom any service is required under this Act shall receive any compensation whatever therefor; nor shall the County Auditor or County Treasurer be allowed to receive or retain any commissions on the money paid into the County Treasury arising from the sale of the bonds under this Act; and any officer who shall willfully neglect or refuse to perform any of the duties herein required of him, shall be deemed to be guilty of a misdemeanor, and his office shall thereupon be declared to be vacant. Auditor and Treasurer.

SEC. 9. This Act shall be printed on the back of each bond issued under it, and shall form a part of the contract between the county and the holder of the bond. Contract.

SEC. 10. This Act shall take effect upon its passage.

CHAPTER CCIX.

An Act to reincorporate the Town of Santa Clara.

[Approved March 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporation or body politic and corporate now existing and known as the Town of Santa Clara shall remain and continue to be a body politic and corporate, in name and in fact, by the name of the Town of Santa Clara, and by Town incorporated.

that name shall have perpetual succession; may sue and defend in all Courts and places, and in all matters and proceedings whatever; and may have and use a common seal and may alter the same at pleasure, and may purchase, receive, hold, and enjoy real and personal property, and sell and convey and dispose of the same for the common benefit. The boundaries of the Town of Santa Clara shall be as follows: Beginning at the northeast corner of section two, in township number seven south, range one west, Mount Diablo meridian, according to the United States survey; thence running west on the north side of said township line to the northwest corner of section three; thence south at a right angle along the west line of section three and section ten to the center of section ten; thence east at a right angle through the center of sections two and eleven to the east line of said section eleven; thence north along said east line of section eleven and the east line of said section two to the place of beginning, embracing the entire sections two and three, the north half of section ten, and the north half of section eleven in said township seven.

Boundaries

Government. SEC. 2. The government of said town shall be vested in a Board of Trustees, to consist of five members, one of whom shall be President of said Board, a Town Marshal, a Town Clerk, and a Town Treasurer.

Election of Trustees and officers

SEC. 3. On the first Monday of April in each and every year a charter election shall be held, at which the legally qualified voters of said town shall elect the several respective officers as hereinafter provided, viz: at the charter election to be held on the first Monday in April, A. D. one thousand eight hundred and seventy-two, and on the first Monday in April in each succeeding year thereafter, a Town Marshal, a Town Clerk, and a Town Treasurer shall each be elected, and shall hold their respective offices for one year and until their successors shall be elected and qualified. At said first charter election five Trustees shall be elected, two of whom shall hold their offices for one year, and the remaining three shall hold their offices for two years. At the charter election to be held on the first Monday in April, A. D. one thousand eight hundred and seventy-three, and on the first Monday in April every two years thereafter, two Trustees shall be elected, who shall hold their respective offices for two years and until their successors are elected and qualified. At the charter election to be held on the first Monday in April, A. D. eighteen hundred and seventy-four, and on the first Monday in April each succeeding two years thereafter, three Trustees shall be elected, who shall hold their respective offices for two years and until their successors shall be elected and qualified.

Manner of election. SEC. 4. It shall be the duty of the Board of Trustees to call all town elections; to designate the time and place of holding the same, giving at least ten days notice thereof, for all which they shall appoint one Inspector and two Judges of Election, who, together with two Clerks to be appointed by them, shall take the oath of office prescribed by law for Inspectors, Judges, and Clerks of State and county election; and all provisions of law regulating elections of State and county officers shall apply, so far as the same are applicable, to elections under

this charter. The polls for all elections shall open at one o'clock P. M., and continue open until six o'clock P. M. of the same day. In case any of the officers so designated shall fail to attend, those attending, with the electors present, shall fill their places by appointment [of] other competent persons from among the qualified electors so attending; and all returns of town elections shall be made out and signed by the officers of such elections in the usual form and deposited with the Town Clerk, and the persons having the plurality of all the votes cast for each of the respective officers voted for shall be declared duly elected; and no person who is not a qualified voter of said town shall be eligible to any office under this charter, nor shall any person be entitled to vote at any town election unless he shall be a qualified elector for State and county officers, and shall have actually resided within the town thirty days next preceding such election.

SEC. 5. The officers of the present town government shall continue in office under this charter until their successors are elected and qualified, with such powers and duties as are herein provided. The Board of Trustees shall meet within five days after any election, as a Board of Canvassers, and canvass the returns and declare the result, and when two or more persons for any office have an equal number of votes the Board shall decide the election by a plurality vote thereof. Should any of the officers elected fail to qualify and give the requisite bond, for the period of ten days after their election, the office shall be declared vacant, and shall be filled as hereinafter provided.

SEC. 6. The Board of Trustees shall hold their regular meeting on the first Monday of each month. At the first regular meeting after the election of Trustees, the Board shall elect one of their number as President of the Board, who shall hold this office for one year and until his successor is elected and qualified. A majority of all the members of said Board shall constitute a quorum, but a less number may adjourn from time to time, and may compel the attendance of absent members. The President of the Board of Trustees shall preside at all meetings of the Board. In the absence of the President, at any of the regular, or adjourned, or called meetings of the Board, if four members be present they may choose one of their own number to preside at such meetings; and all business transacted at such meetings, and all acts of their presiding officers, shall be as valid as if presided over or done by the President. Every order made and ordinance passed by the Board of Trustees, in order to have legal effect, must receive the approval of the President, or, if he refuse to approve the same, to render such order or ordinance valid it must receive the votes of the other four members of said Board.

SEC. 7. If, at any time, either or any of the officers created by this Act shall, by reason of sickness, absence, or otherwise, neglect, refuse, or be unable to perform the duties of his office for the period of three consecutive months, his office shall be deemed vacant, and shall be so declared by the Board of Trustees. If any such vacancy shall occur in the office of Trustee or President, at any time, more than three months previous to the regular election, the same shall be filled by a special elec-

tion to be called by the remaining Trustees for that purpose. If any vacancy shall occur in the office of Town Marshal, Town Clerk, or Town Treasurer, the same shall be filled by appointment by the Board of Trustees.

Powers and
duties of
the Board
of Trustees.

SEC. 8. The Board of Trustees shall determine the rules of its own proceedings, shall judge of the qualifications of its members, keep a journal of its proceedings, compel the attendance of its members, and punish for disorderly conduct, and for such conduct may expel a member by a four fifths vote. They shall have power to pass all proper and necessary laws for the regulation, improvement, and sale of lands and other property belonging to the town and appropriated to its use, except the sale and disposal of public squares; to license all and every kind of business authorized by law and transacted or carried on in said town; to fix the rates of license tax upon all such business, which shall not exceed the amount fixed by law for State and county purposes; *provided*, that in the business of selling intoxicating drinks in less quantities than one quart, and on other business which is permitted, but not provided for by law, the amount of license shall be fixed at their discretion, as they may deem the interest and good order of the town may require; to purchase, hold, and lease property on which to erect suitable buildings for Public Schools, Town Hall, and Fire Departments for the town, including lands and structures required for public use and utility to the town; to purchase, sell, hold, and maintain fire engines, and all implements for the prevention and extinguishment of fires; to organize and maintain a fire department; to establish fire limits; to construct wells, cisterns, and aqueducts; to supply the town with water for fire purposes; to lay out, order, open, improve, cleanse and repair the streets, alleys, sidewalks, and public squares; to repair any property of the town; to establish and maintain all proper police regulations for the protection of health, enforcement of cleanliness, peace and good order of the town, and for ornament; to prohibit, prevent, restrain, and remove nuisances; to establish prisons; to provide for the care and regulations of prisoners; to cause to be employed and worked vagrants and prisoners upon the public streets and works of the town; to prohibit and suppress gaming houses, houses of ill fame, and indecent and immoral amusements and exhibitions; to regulate the location of slaughter houses, markets, and houses for the storage of gunpowder and other explosive and combustible materials; to have jurisdiction over and to regulate the cemeteries located within the limits of said town, or within the distance of one mile therefrom, and to purchase and hold lands without the incorporate limits for cemetery purposes; to impose and fix the penalties, by fine, imprisonment, or forfeiture, or both fine and imprisonment, for any and all violations of town ordinances; but no such fine shall exceed one hundred dollars, or such imprisonment be for a term exceeding thirty days for any one offense; or in place of such fine or imprisonment, may be authorized to be sentenced to labor on the streets or public property of the town; to establish pounds, and to prevent dogs and other domestic animals from running at large; to levy and collect taxes upon all the taxable property within the town,

which, for current expenses, as apportioned to the General Fund, shall not exceed one half of one per cent upon the assessed value of said property; to pass such ordinances, resolutions, and by-laws for the regulation of the public, and entire government and management of the affairs of said town, as are not inconsistent with the provisions of this Charter, or of the Constitution and laws of this State, or of the United States.

SEC. 9. The Board of Trustees shall have power, and it is hereby made their duty, to provide by ordinance for the levying and collection of all town taxes, and in so doing they shall be governed by the general laws of the State in reference to the levying and collecting of State and county taxes, so far as the same may be applicable; and may, in like manner, from time to time, provide for the collection, by civil action, or otherwise, of all taxes levied or assessed by them, or under their authority, for town purposes, that now are or may hereafter become delinquent; and in case such taxes be collected by civil action, the Courts of justice shall have the same jurisdiction, and the pleadings shall substantially conform to the same requirements, and the summons and other process shall be issued, served, and returned in the same manner as is or may be provided by law for the collection of delinquent taxes levied for State and county purposes; and all sales and conveyances of property made and executed for the non-payment of delinquent taxes shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for State and county purposes; and every tax levied by said Board of Trustees under the provisions of this Act, or of any former Act which was in force and which may become repealed by the provisions of this Act, is hereby made a lien against the property assessed, which lien shall attach on the first Monday in May in each year, and shall not be satisfied or removed until the taxes are all paid, or the property has absolutely vested in a purchaser under a sale for said taxes. The delinquent tax list, or a copy thereof, certified by the Town Clerk, made out substantially in the form prescribed for making out the list of delinquent taxes levied for State and county purposes, showing unpaid taxes against any person or property, shall be prima facie evidence in any Court to prove the assessment of the property assessed, the amount of taxes due and unpaid, the delinquency, and that all forms of law in relation to the levy and assessment of such taxes have been complied with.

Levy and
collection
of town
taxes.

Delin-
quent list.

SEC. 10. The Board of Trustees shall raise annually by taxation upon the real and personal property within the town, as estimated from the preceding assessment roll, such tax as shall be necessary for the support and maintenance of the public schools of the town, but in no event to exceed one per cent for any one year. They shall also in like manner raise a tax for general purposes, not exceeding in any one year one half of one per cent. All license taxes, unless otherwise ordered by the Board of Trustees, shall be appropriated to the General Fund, out of which shall be paid all the expenses of said town government, except those for the support and maintenance of public schools; and all taxes and license herein authorized to be

License
and other
taxes.

collected shall be collected in the legal currency of the State as prescribed in reference to State and county taxes.

Restriction
of power
to create
debt.

SEC. 11. The Board of Trustees nor any member thereof shall not create, audit, or allow, nor permit to accrue any debts or liabilities in excess of the actual revenue and available means in the Town Treasury that may be legally appropriated for such purposes, nor shall any warrant be drawn, nor evidence of indebtedness issued, unless there shall be sufficient money in the Treasury at the time legally and justly applicable to meet the same in the order of its allowance and issuance; and any such allowance, warrants, or other evidence of indebtedness made or issued in violation of the provisions of this section shall be void. All claims and demands that may lawfully arise against the town shall be submitted to the Board of Trustees, and if found correct, and if sufficient funds remain in the Treasury to pay the same as hereinbefore provided, the same shall be allowed, and an order made that the demand be paid, upon which the President of the Board shall draw his warrant, countersigned by the Town Clerk, upon the Town Treasurer, in favor of the owner or owners for the amount so ordered paid, specifying for what purpose and by what authority it is issued, and the Treasurer shall pay the same out of the General Fund.

Payment
of claims.

Special
taxes to be
voted for
or against.

SEC. 12. At each regular meeting of the Board of Trustees they shall inquire into the conditions of the streets, sewers, schools, school houses, and fire department, and all other property of the town, and if at any time it shall appear that the interest of the town demands an expenditure of more money than at such time is in the Treasury applicable to such purposes, they shall make a report of the same to be published for at least four consecutive weeks in some newspaper published in said town, provided there be a newspaper so published, otherwise to be posted for the same period upon the door of the room where said Board regularly hold their meetings, particularly specifying the object or objects for which the expenditure is required and the amount of money necessary to be raised by special tax to meet the same. At any time within fifteen days after the expiration of such publication the Board of Trustees shall order an election, giving ten days notice thereof, at which election the legal voters of said town may vote for or against such tax. The election shall be conducted and the returns made and canvassed in all respects as the general town elections. If a majority of the voters are in favor of levying the tax, the Board of Trustees shall forthwith order the tax to be levied and collected upon the basis of the last assessment, and shall make the proposed expenditure; *provided*, that such special tax shall not exceed in any one year more than one half of one per cent upon the valuation of the real and personal property as shown by the last assessment roll, and said proposed expenditures shall not exceed the amount so collected by such special tax. All special taxes ordered to be levied and collected shall be levied and collected in the manner, forms, and ways prescribed for levying and collecting of the general taxes of said town.

SEC. 13. The Board of Trustees are hereby authorized and empowered to order the whole or any portion of any street or

streets, lane or lanes, alleys, courts, or squares, graded or regraded to the official grade, paved, graveled, or macadamized, and have the same repaired; to order sidewalks, culverts, sewers, drains, and curbing constructed and repaired; to improve and beautify the public squares, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, sidewalks, lanes, alleys, and squares, as, in their opinion, the public good and convenience requires.

Streets,
sidewalks,
and public
improve-
ments.

SEC. 14. The Board of Trustees may order any of the work herein authorized to be done after a notice of their intention so to do, in the form of a notice of intention, describing the proposed work, signed by the Town Clerk, after being published for two consecutive weeks. At the expiration of the time as given in any such notice of intention, said Board of Trustees shall be deemed to have acquired jurisdiction to order any of the work herein provided for to be done; and all owners of lands or lots, or portions of lots, who may feel aggrieved, or who may have objected to any of the subsequent proceedings of the Board of Trustees in relation to the work proposed and described in the notice of intention, shall file with the Town Clerk a remonstrance, wherein they shall state in what respect they feel aggrieved, and their reasons for objecting to the proceedings; said remonstrance shall be considered by the Board of Trustees, and their decision thereon shall be final and conclusive; *provided*, that if more than one half of the owners or occupants, or the owners or occupants of more than one half of the real estate fronting on any street, lane, alley, or square, on which as a whole said work or improvements to be done, shall remonstrate against said work or improvements, said Board of Trustees shall then suspend further proceedings for the term of six months, unless such owners or occupants aforesaid shall sooner petition the Board of Trustees to have such improvements made; and it being further *provided*, that if at any time of hearing of such remonstrance against said work or improvements, or at any time subsequent thereto, it shall come to the knowledge of the Board of Trustees that said proposed improvements, or any portion of them, are an immediate public necessity, they shall then proceed in reference to said proposed work or improvements, or so much thereof as they may deem and declare to be necessary, as if no remonstrance had been made.

Notice of
proposed
improve-
ments.

Protests.

SEC. 15. It shall be the duty of the Board of Trustees to cause an immediate survey of any such proposed work or improvements to be made by the town, or some other competent Surveyor, who shall, on the conclusion of said survey, produce a map or diagram indicating the proposed grade, and the amount of excavation or filling in front of each person's real estate to the middle of the street; all lots on the corners of blocks to include the cross streets, or if improvements only extend to the sidewalks, then he shall indicate as aforesaid the amount of excavation, *of* filling of the sidewalks in front of each person's real estate. If the Board of Trustees approve the survey, diagram, and specifications of the Surveyor, the

Surveys,
maps and
diagrams.

Publica-
tion of
notice.

same shall be placed on file in the office of the Town Clerk, and they shall order said improvements to be made, and shall cause such order to be published at least three consecutive weeks, in such manner as they may direct. At the expiration of such notice the Board of Trustees may determine by ordinance or resolution at what time said work or improvements shall be commenced, and within what time all of which shall be completed, and also may in their discretion extend the time so fixed; and such of the persons having frontage on the line of the proposed work or improvements, shall have the privilege of doing the same in accordance with the requirements of the order, survey, diagram, and specifications of the Surveyor, on file in the office of the Clerk as aforesaid; but if the owner or occupant of any such real estate fail or neglect so to do within the time fixed for doing the same, or within any extension of time which may have in the discretion of the Board of Trustees been granted, it shall be the duty of the Town Marshal to let out in a manner described by the resolution or ordinance of the Board of Trustees, the doing of all the work, or the making of all the improvements remaining unfinished; and when the doing of all such work, or the making of all such improvements shall have been finished and accepted by the Surveyor and Town Marshal, they shall certify the same to the Board of Trustees, who shall order the Town Clerk, as ex officio Town Assessor, to make an assessment of the cost thereof, as apportioned to each of the persons or occupants owning or occupying said real estate, which said assessment shall constitute a lien upon such real estate, dating from the time such work or improvement was ordered, and after due notice, present the same to the Board of Trustees, who shall on a specified day sit as a Board of Equalization thereon, and determine in reference thereto in manner as is required for the equalization of other town tax; and all persons feeling aggrieved in reference to any such assessment, shall at such time, either in writing or otherwise, specifically make known the cause of their objections and complaint, which shall be heard and passed upon by said Board of Equalization, and their determination therein shall be final and conclusive; and when thus equalized and approved by them, said list shall be properly certified by the Town Clerk and placed in the hands of the Town Marshal for collection, and all subsequent proceedings in relation thereto shall be the same as prescribed herein for the collection of other town taxes, as far as the same may be applicable.

Apportion-
ment of
costs.

Costs of
survey.

SEC. 16. The cost of the survey, specifications, maps, or diagram of any of the work or improvements hereinbefore mentioned, together with all culverts and street crossings, shall be paid by the town.

Improve-
ments and
repairs of
streets and
sidewalks.

SEC. 17. When any street, or portions of any street, or the sidewalk, or any portion thereof, becomes in a condition to be dangerous, or in a condition to cause great public inconvenience, the Town Marshal shall, by notice in writing, to be delivered to them personally, or posted on the premises of the owners, occupants, or tenants upon any real estate in front of which such repairs or improvements are required to be made, require them to make such improvements or repairs forthwith,

particularly specifying in such notice what improvements or repairs are required to be made. If such improvements or repairs are not commenced within three days after notice given as aforesaid, and diligently prosecuted to completion without unnecessary delay, the Town Marshal shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements required by said notice, and may enter into a contract with any competent person, to make the required improvements or repairs, at the expense of the owners of such real estate, at such price as he may deem reasonable and just, and such owners shall be liable to pay the same; and such sum or sums of money contracted to be paid for said work or improvements, shall be a lien upon the real estate in front of which, to the middle of the street, said work or improvements shall have been made, and may be collected by civil action from the personal effects of such owner or owners, or a tax levied or assessed and equalized, as provided in section fifteen of this Act; and all money collected by the Town Marshal for the construction, improvements, or repairs of any street, lane, alley, or sidewalk, if collected by an assessment duly equalized and certified, shall be paid to the Town Treasurer as a special Fund to the credit of the particular object for which it was assessed; or if collected by voluntary payment, or by civil action, from the personal effects of the owner of such real estate, he shall pay the same over to the contractor, taking his receipt therefor, a duplicate of which he shall file with the Town Clerk; and for all assessments made upon real estate for the construction, improvement, or repairs of any street, lane, alley, or sidewalk, such an amount shall be added to each and every of such assessments, in addition to the contract price thereof, as will be sufficient to pay the fees of the Collector and Treasurer, as allowed by law.

SEC. 18. The town, or the proper authorities thereof, shall not be held responsible for nor assume the payment of any money for work done or repairs and improvements made, until after all demands on the owners or occupants of such real estate have been paid or prosecuted to final collection; and in case of failure on the part of the town to collect such tax from the owner or occupant, or from the real estate, the person or persons having contracted for, done, and completed any part of the whole of such work done, or repairs and improvements made, may present the same to the Board of Trustees and be allowed and paid therefor from the General Fund of said town.

SEC. 19. The Board of Trustees shall have power, and it is hereby made their duty, to appoint some suitable and competent person as Superintendent and Sexton of the cemeteries owned or controlled by the town, who may be removed by the Board of Trustees for incompetency, or gross neglect, or violation of the duties required of him. Such Sexton shall have power to make arrests of persons who may trespass upon the cemetery grounds, or found guilty of violating any of the ordinances or rules for the protection and government of said cemeteries that may be prescribed by ordinance or resolution of the Board of Trustees. The Board shall have power to make all needful ordinances and regulations for the government of said

cemeteries, and shall prescribe therein the duties of the Sexton, and provide for his compensation.

Attorney
and
Surveyor.

SEC. 20. The Board of Trustees, when in their opinion the public good so requires, may employ an attorney, or may, in their discretion, appoint a Town Attorney, and also Town Surveyor, the duties and compensation of each of said officers to be prescribed by the Board.

Board of
Equal-
ization.

SEC. 21. The Board of Trustees, or a committee of their number appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor has completed and handed in his assessment, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way a majority of them shall deem just and proper. Said meetings shall be held from time to time, as in said notice specified, for the period of one week, and no longer. When meeting as a Board of Equalization upon assessments for the construction or repairs of any street or sidewalk, they shall hold their sessions such period of time only as may be required to consider the matters submitted to them, and take action in reference thereto. The members of the Board of Trustees shall receive no compensation for their services; neither shall they, or any of them, or any other officer of the town, be interested directly or indirectly, during their respective terms of office, in any contract pertaining to any of the departments of the town; and all contracts in violation of this provision shall be void.

President
of the
Board of
Trustees.

SEC. 22. The executive power of the corporation shall be vested in the President of the Board of Trustees. It shall be his duty to be vigilant and active in causing all the laws and ordinances of the town to be duly executed and enforced; to be at the head of the police; to exercise supervision and control over the conduct of all of the subordinate officers, and receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty, and certify the same to the Board of Trustees, and may suspend the functions of such officer until the charges preferred against him can be inquired into by the Board; to sign all licenses and warrants on the Treasury; to administer oaths and affirmations upon any and all matters and business pertaining to the town, and generally to perform all such duties as may be prescribed for him by law or by the town ordinances; to communicate to the Board of Trustees semi-annually, and oftener if he thinks proper, a general statement of the situation and condition of the town in relation to its government, finances, and improvements, and such recommendations in reference thereto as he may deem expedient.

President
pro tem.

SEC. 23. When the President of the Board of Trustees shall be absent from the town, or from any other cause be prevented from attending to the duties of his office, the remaining members of the Board shall appoint one of their number who shall be President pro tem, and shall in all respects be legally qualified to discharge the duties of such position.

SEC. 24. The department of police of said town shall be under the direction of the Town Marshal, and for the suppression of any riot, public tumult, disturbance of the public peace,

or any organized resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon Sheriffs by the laws of this State; and his lawful orders shall be promptly executed by police officers, watchmen, and Constables in said town, and every citizen shall lend him aid when required for the arrest of offenders and maintenance of public order; he shall, and is hereby authorized, to execute and return process issued and directed to him by any legal authority; to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same; to prosecute before some competent tribunal for all breaches or violation of town ordinances; to collect all license taxes that shall at any time be due the town, and to receipt for the same; to receive the tax list, and upon receipt thereof to proceed to collect the same at the same time and in the same manner as is prescribed by law for the collection of State and county taxes, the said Marshal being hereby vested with all and the same powers to make collections of taxes by sale and conveyance of real estate as is or shall hereafter be conferred upon Collectors and Sheriffs for the collection of State and county taxes; and it shall be the duty of the Town Marshal to collect in the same manner, and with the same authority, any tax list placed in his hands without any unnecessary delay, and to pay all taxes, licenses, and other money collected by him, belonging to the town, to the Town Treasurer, on the first Monday of each month, or as much oftener as the Board of Trustees may by ordinance direct, taking the Town Treasurer's duplicate receipts therefor, one of which he shall file with the Town Clerk; he shall also at the same time file with the Town Clerk his affidavit, stating that such receipt embraces all the money collected by him belonging to said town, for the preceding month, or such other period of time as may have been prescribed, which oath shall be subscribed and sworn to before the Town Clerk.

Powers and
duty of
Marshal.

SEC. 25. The Town Marshal shall have charge of the Town Same. Prison, and the prisoners confined therein, all those who are sentenced to labor upon the streets or public works of the town, and shall see that all orders and sentences in reference to such are fully executed and complied with.

SEC. 26. The Town Marshal shall also perform the duties of Same. Street Commissioner, and shall be governed by the provisions of this Charter, and such laws and regulations in reference thereto as may be adopted by the Board of Trustees. He shall be entitled to receive and retain two and one half per cent upon all moneys collected by him on account of any taxes or other collections he may be by law required to make. It shall be the duty of the Marshal, and of the police officers that may be appointed, to execute all process issued by any Justice of the Peace of Santa Clara Township, officiating as Police Justice or otherwise, or from other legal authority commanding their services as such officers, to attend upon the Court officiating as a Police Court; and for the service of all such process said Marshal and said policemen shall receive such compensation as may be realized from costs collected by them in the discharge of said official duties, such costs or fees to be the same as is by

Same. law allowed to Sheriffs and Constables for like services, the same to be paid over by the Justice from the fines imposed and collected in each case; but in no event shall the service for serving such process be a charge against the town. The Marshal may also, with the concurrence of the President of the Board of Trustees, when the same may be deemed necessary for the preservation of public order, appoint additional policemen, who shall be persons of sobriety and good moral standing in the community, and who shall discharge the duties assigned to them for one day only, but shall receive no compensation therefor.

Town Clerk SEC. 27. The Town Clerk shall keep a true and correct record of all the business transacted by the Board of Trustees; he shall sign as Town Clerk and issue to the Marshal license certificates for all branches of business for which a license may be required, and take his receipt therefor, and shall keep a true list of all licenses issued by him and the amount of money received by the Marshal therefor. The Town Clerk shall be ex officio Town Assessor, and shall, between the first day of May and the first day of August of each year, make a true list of all the taxable property within the limits of said town, which list, when so made and certified by him, shall be placed in the hands of the Board of Trustees for equalization. The mode of making out such lists and ascertaining the value of property shall be the same as prescribed by law for assessing State and county taxes. He shall apportion the taxes upon the assessment, and make out and deliver to the Marshal a tax list, in the usual form, as soon as practicable after the Board of Trustees as a Board of Equalization have equalized the assessment; and to do and perform such other duties as are prescribed by this Act, or as by ordinance or otherwise may be required of him by the Board of Trustees. He shall report to the Board of Trustees, quarterly, a detailed statement of the receipts and disbursements of the town government, and the state of the General and School Fund, and of any special improvement Fund that may exist; and at the expiration of the fiscal year to make a detailed statement of the receipts and the disbursements of the town during said year, specifying the different sources of revenue and the amount received from each; the several appropriations made by the Board of Trustees and the amount of money expended under each, and the objects for which they were made. For any and all business matters pertaining to said town he shall be qualified to administer oaths. For his services as such Town Clerk and Assessor, he shall receive a salary of (\$200) two hundred dollars per annum, to be paid quarterly, from the General Fund of the town. He shall also be entitled to collect and receive, from persons other than the town, for filing and having duly executed any conveyance for real estate sold by the town, the sum of three dollars; and for any transcript of the records or papers in his office, such fees per folio as is or may be by law allowed to the County Recorder or County Clerk of Santa Clara County for like services.

SEC. 28. It shall be the duty of the Town Treasurer to receive and safely keep all moneys that shall come into his hands

as such Treasurer; for all of which he shall give duplicate receipts, one of which said receipts shall be filed with the Town Clerk. He shall pay out said moneys by order of the Board of Trustees and warrants issued by the President of the Board of Trustees and countersigned by the Town Clerk, and shall perform such other duties as may be required of him by the Board of Trustees; and for his compensation said Treasurer shall be allowed a commission of two and one half per cent on all moneys paid out by him as such Treasurer from other than the School Fund, and for which last named Fund he shall receive as [no] compensation. He shall make quarterly statements with the Town Clerk, and file with the Board of Trustees an abstract of the same.

SEC. 29. All town officers, whether elected by the people or appointed by the Board of Trustees, shall, before entering upon the duties of their respective offices, take and subscribe the oath of office prescribed by law. The Marshal, Treasurer, and Clerk shall each, before entering upon the duties of his office, give a bond, with two or more sureties, to be approved by the Board of Trustees, payable to the Town of Santa Clara, in such sum as may be fixed by ordinance, conditioned for the faithful performance of the duties of his office, as required by law and the ordinances and regulations that are and may be passed by the Board of Trustees. Should the bond of any officer become insufficient, he shall give such additional security as the Board of Trustees may require; and upon his failure so to do at the time required his office shall be declared vacant, and may be filled as herein provided for. The official bond of every officer named in the Act, except the bond of the Clerk, shall be filed in the office of the Town Clerk. The official bond of the Clerk shall be filed with the Treasurer.

SEC. 30. Justices of the Peace for the Township of Santa Clara shall discharge all the duties of Police Justice for the Town of Santa Clara, and all fines imposed by such Justices for any breach of the peace within the corporate limits of the Town of Santa Clara, or for any violation of the town ordinances, after deducting therefrom the costs in such prosecutions, shall be paid into the Town Treasury; and such Justices may deduct from such fines such fees and compensation as is allowed by law for like services, but in no event shall such services be a charge against the town.

SEC. 31. The Board of Trustees shall have power to fix the amount and mode of compensation of all officers performing services for the town in collecting delinquent taxes; *provided*, that the County Clerk and Sheriff shall have the same fees in such cases, and be paid in the same manner and under like circumstances, as are allowed them in suits for the collection of taxes levied for State and county purposes.

SEC. 32. The Board of Trustees of the Town of Santa Clara shall, whenever a petition signed by twenty-five citizens of said town shall be filed with the Town Clerk, praying for the opening of any new street or streets, or the extending, widening, altering, or vacating of any street or streets, lanes, or alleys in said town, if deemed by said Board a public necessity, direct, by ordinance, some competent surveyor to make an accurate

Opening
streets.

survey of any such proposed street, lane, or alley, and return the same to the Board of Trustees at its next regular meeting, or within such time as the Board of Trustees shall by ordinance or resolution direct. Said survey shall be accompanied with a report and diagram map, showing the location of such proposed street, lane, or alley, and the width thereof; also, the boundaries of the lands of each owner through which such street, lane, or alley is proposed to be located, widened, extended, altered, or vacated. And for the purpose of making such survey, the surveyor shall have the right to enter upon any and all such lands.

Same.

SEC. 33. At the next regular meeting of the Board of Trustees after filing of said survey, said Board shall, by order, appoint a time for the hearing of said petition, and for the assessment and adjustment of any and all damages that may be caused by reason of the opening, widening, extending, or vacating of such proposed street, lane, or alley; which time shall not be less than thirty nor more than sixty days from the time of making such order. Upon the making of said order, the Town Clerk shall issue notice, directed to each and every person whose lands, or any part thereof, will be affected by said new street, lane, or alley, or the widening or extending thereof, setting forth that such petition has been filed, and that the survey of such proposed street has been filed, and the time and place when and where said petition and all applications for damages and objections to the opening of said proposed street will be heard by the Board of Trustees. Said notice shall be served by the Town Marshal, by posting copies of the same in some conspicuous place on the premises belonging to each owner, and by delivering a copy thereof to each owner who can be found by reasonable diligence in said town; which said notice shall be so posted and served at least ten days next before the time set for the hearing.

Same.

SEC. 34. At the meeting of the Board of Trustees provided for in the order and notice required in the last section, or at such other meeting as the hearing may be adjourned to, the Board of Trustees shall proceed to consider all matters touching the petition for the opening of such street, lane, or alley, or the widening or extending or vacating of the same, and all subsequent proceedings had therein in connection with the survey, report, and diagram of the surveyor on file, and such evidence as the parties interested may produce touching the same; and if in the opinion of the Board the public good and convenience require the opening, widening, extending, or vacating of such street, lane, or alley, the same shall be so declared by ordinance, and the survey and report of the surveyor shall be confirmed, in whole or in part, as the Board shall direct; and thereafter, and on payment of the damages hereinafter provided, such street, lane, or alley shall be and remain a public street, lane, or alley. Any person or persons owning or claiming lands through or upon which such street, lane, or alley is proposed to be opened, widened, extended, or vacated, and desiring to apply for damages in consequence thereof, shall make application at the meeting at which said petition is finally considered, pursuant to said notice by petition in writing to said Board, wherein they

shall set forth the amount and character of the land and Damages. improvements affected thereby, and any other circumstances having relation to the subject of damages; *provided*, that the legal guardians of minors, idiots, and insane persons shall be authorized and required to take all measures in the premises which may be necessary to fully protect their rights. The Board of Trustees at such regular meeting, or at the time that the further hearing may be adjourned to, shall ascertain and determine the amount of damages sustained by each and every person owning or claiming said lands; and in so doing, the benefits accruing from the opening, widening, or extending or vacating of such street, lane, or alley to the person to whom damages may be allowed shall be taken into consideration, and shall be an offset against any such damages.

SEC. 35. The damages that may be allowed by the Board of Damages. Trustees to such owners and claimants shall be audited, allowed, and paid as other claims against said town are audited, allowed, and paid; and upon the issuing or tendering of the proper amounts therefor, the Town Marshal shall, upon the order of the Board of Trustees, proceed and open said street, lane, or alley without unnecessary delay; *provided*, that no sum shall be so audited nor any warrant drawn therefor unless there shall at the time be sufficient funds in the Town Treasury legally applicable to the payment of the same; and in such case, if the Board of Trustees shall deem proper or necessary, they may order a special election, as provided for in section twelve, and proceed and collect by special tax, if authorized by the vote at such election, a sufficient amount to pay such damages; and after the same shall have been so collected, said awards for damages may be audited and paid as in other cases.

SEC. 36. If the person or persons claiming damages on Same. account of the opening, widening, extending, or vacating of any such street, lane, or alley, shall be dissatisfied with the award of the Board of Trustees, and shall refuse to receive the amount so awarded, such person or persons shall, within ten days from the final hearing and order, commence an action against the Town of Santa Clara in a Court of competent jurisdiction for such damages, and all the proceedings therein shall be conducted in the same manner as like actions are required to be conducted under or by virtue of the provisions of an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six; and the provisions of said Act in reference to said actions, where they are not inconsistent with the provisions of this Act, are hereby made applicable thereto. Act applying.

SEC. 37. At the general charter election, held on the first Board of Education. Monday in April in each year, there shall be elected a Town Superintendent of Public Schools and three School Trustees, who shall hold their respective offices for one year. Said Superintendent and Trustees shall constitute a Board of Education of the Town of Santa Clara. If any vacancy shall occur in the office of Superintendent, the same shall be filled for the residue of the term by the Board of Trustees of the town, and any

Board of
Education.

vacancy occurring in the office of School Trustees shall be filled for the remainder of the unexpired term by election by the Board of Education. The Board of Education, as constituted as aforesaid, shall exercise a general supervision and control over the public schools of the town, and shall meet once in each month, and as much oftener as the business appertaining to the schools may require, and may be called together at any time by the Superintendent. The Superintendent shall preside at all meetings of the Board, but shall not be entitled to vote unless in case of a tie, and if absent one of the members may be appointed to preside in his stead. A majority of the members shall constitute a quorum to transact business; but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings, provided they do not conflict with the provisions of this Act. Its sessions shall be public.

Powers.

SEC. 38. The Board of Education shall have sole power:

First—To establish and maintain public schools.

Second—To employ and dismiss all teachers necessary to be employed in such schools; to employ all janitors and Census Marshals, and to fix, alter, change, allow, and order paid the salaries or wages of all teachers, officers, and other persons employed by said Board of Education.

Third—To establish and regulate the grade of schools; *provided*, that no books of a sectarian character shall be used in said schools; to establish a course of study and mode of instruction; to make, establish, and enforce all proper rules and regulations, not contrary to law, for the government and progress of the public schools within said town, and for carrying into effect the laws relating to education.

Fourth—To build, repair, alter, rent, and provide school buildings, and to furnish them with proper school furniture, apparatus, and appliances.

Fifth—To grade, fence, and improve school lots, and to pave and repair streets fronting school property to the middle of said street, and to construct and repair sidewalks in front of said school lots.

Sixth—To lease for a term not exceeding one year, or to sell any personal property belonging to the schools not in use, or not necessary for school purposes; *provided*, that whenever twenty (20) good and lawful citizens who may have children six or more years of age at the time actually attending the public schools of said town, shall petition the Board of Education not to sell or lease any school furniture, apparatus, appliances, or other property described in said petition, it shall not be lawful for said Board of Education, and they shall not sell, or lease, or dispose of the property described in said petition; and all titles acquired to any personal property from said Board of Education, contrary to the provisions of this section of this Act, shall be null and void; and *provided* further, that all moneys accruing from the sale of any school property shall be applied by said Board of Education to the purchasing of school lots, school furniture, and school apparatus, and to nothing else, nor for any other purpose or purposes.

Seventh—To purchase, receive, and hold in trust for the Town Powers. of Santa Clara all personal property now belonging to said town, or that may hereafter be acquired by said town, for the use and benefit of the public schools of said town.

Eighth—To join, with the Trustees of the town in suing for any and all lots, lands, and property belonging to said school department, or claimed by them, and to prosecute and defend all actions in law or in equity, and to employ counsel whenever the advice or services of counsel shall be necessary; *provided*, that fees paid to counsel will not exceed one hundred dollars in any one year.

Ninth—To determine annually the amount of taxation, not exceeding one per cent on each dollar valuation upon the assessment roll, to be raised by tax upon the real and personal property within said town, not exempt from taxation, for the establishment and support of free schools, and for carrying into effect all the provisions of the law relating to public schools. The amount of taxation so determined by said Board of Education shall be reported to the Town Trustees, whose duty it shall be to levy and collect, or cause to be levied and collected, at the regular time for levying and collecting town taxes, the amount of taxation so determined and reported, as a school tax upon all taxable property of said town; and said tax shall be in addition to all other amounts levied for State and county and town purposes; *provided*, that whenever it shall be necessary, for the benefit and advancement of the public schools, to purchase any lot or lots, to erect any building or buildings, to purchase any apparatus or appliances, or to make any improvements on school lots, it shall be the duty of said Board of Education, and they shall cause to be levied the full amount of one cent on each dollar valuation of property in said town, and use the excess not actually necessary for carrying on said schools for making said purchases or improvements.

Tenth—To examine, allow, or reject each or every demand against the Public School Fund; *provided*, no demand be rejected without good cause, of which the Board shall be sole judge.

Eleventh—To prohibit any child under six years of age from attending said school, and to do and perform all other acts necessary and proper for carrying into effect the powers conferred upon said Board of Education by this Act.

SEC. 39. Whenever it shall be ascertained by said Board of Education that the County Superintendent of Public Schools has apportioned the State and County School Fund, it shall be lawful for said Board of Education to draw an order for the amount accredited to said town, and deliver the same to the Town Treasurer, who shall draw the money so accredited to said town, and deposit the same in the Town Treasury to the credit of the School Fund.

SEC. 40. It shall be the duty of said Board of Education, and they shall keep open the public schools in said town for at least nine (9) months in each and every year, and said schools shall be free to all children between the ages of six and twenty-one years living within said town. Schools to be open.

School district.

SEC. 41. Said town shall consist of but one district, which shall not exceed nor be less than the corporate limits of said town.

Non-residents.

SEC. 42. It shall be lawful for the Board of Education to admit children living without the said district to attend school within said district, by payment of an amount not exceeding twelve cents per day per child; *provided*, that no child living without said district shall be allowed to attend school within said district until all the children within said district have been provided for.

Contracts.

SEC. 43. Whenever any contract or contracts are to be given, or liabilities to be incurred to any amount exceeding fifty dollars, it shall be the duty of the Board of Education to cause notices to be published in three of the most public places in said town, inviting sealed proposals for the object contemplated, and such notices shall state the object contemplated, and the time when such proposals will be opened. The proposals offered shall be handed to the Town Superintendent of Schools, who shall proceed in open session to open, examine, and award the same to the lowest responsible bidder; *provided*, said Board may reject, for good cause, any and all bids, and especially shall no contract be given to any person who has proved delinquent or unfaithful in a former contract; nor shall any member of the Board of Education be interested directly or indirectly in any contract.

Bonds.

SEC. 44. Each member of the Board of Education, and the Town Superintendent of Schools, shall give a bond, in a sum not exceeding one thousand dollars each, to the Town Trustees, conditioned upon the faithful performance of their duties; said bond to be signed by two good and sufficient sureties, residents of the County of Santa Clara, and to be approved by the Town Trustees.

Unlawful sale of property.

SEC. 45. Whenever the Board of Education shall sell or lease any school property contrary to the provisions of this Act, it shall be lawful for any three citizens of the Town of Santa Clara to bring suit, in any Court having jurisdiction, against the vendee or lessee, to recover such property; and all disbursements or expenses incurred by said three citizens in bringing such suit may be recovered in an action against the official bond of all those members of the Board of Education who may not be recorded upon the records of said Board as voting against the selling, leasing, or disposing of such property.

Proceedings of meetings.

SEC. 46. The Board of Education shall keep a book in which shall be recorded the proceedings of all meetings, both regular and special, and especially shall all votes, by the names of the members voting for buying, selling, renting, or leasing any school property, be recorded in said book; and said book shall be kept open for inspection by all citizens of the Town of Santa Clara.

Notice to sell or lease.

SEC. 47. Whenever the Board of Education shall desire to sell or lease any school property, it shall be their duty to publish notices in three of the most public places in said town, at least ten days before the day of sale, stating the intention of the Board to sell or lease such property, and also describing the property to be sold or leased.

SEC. 48. It shall be the duty of the Town Superintendent of Schools; Duty of Superintendent of Schools.

First—To act as Clerk of the Board of Education; to keep all books required by this Act to be kept by said Board of Education; to make all reports, and to do all other acts that may be required by said Board of Education not inconsistent with the general labors performed by Town and City Superintendents of Schools;

Second—To visit all schools of said town at least once in each and every term, and report at the next regular meeting of the Board of Education the condition of the schools and any changes that the progress of the schools may require;

Third—To give aid and counsel to the teachers employed in such schools;

Fourth—To see that all teachers employed by said Board of Education comply with all the provisions of the general school law, and especially with those provisions requiring teachers to keep a neat and clean school register;

Fifth—To enforce all requirements of the Board of Education, and to see that their commands and wishes are obeyed;

Sixth—To ascertain and examine the attainments, both as to scholarship and moral character, of all applicants for schools within said town;

Seventh—To make a report at the end of his official term to the Town Trustees, giving an abstract of the statistics of the schools, and a brief statement of the advancement or progress such schools may have made;

Eighth—At the expiration of his official term, to deliver to his successor in office all books, papers, and property belonging to the Board of Education, or held by them in their official capacity.

SEC. 49. The Town Superintendent of Public Schools shall Salary. have a salary not exceeding one hundred dollars per annum, to be fixed by the Town Trustees at their first meeting.

SEC. 50. The body corporate created by this Act shall suc- Succession. ceed to all the rights and obligations, and to the ownership and legal title of all property now held by the present Town of Santa Clara.

SEC. 51. An Act entitled an Act to reincorporate the Town Repealing. of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six, and all other Acts in conflict with the provisions of this Act, are hereby repealed.

SEC. 52. This Act shall take effect immediately.

CHAPTER CCX.

An Act concerning the salary of the County Assessor of Butte County.

[Approved March 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary of
Assessor of
Butte
County.

SECTION 1. The County Assessor of the County of Butte shall, in addition to such fees and percentage for the collection of tax on personal property as is now allowed by law, receive an annual salary of twenty-six hundred dollars, to be audited and paid in such way and manner as the salaries of County Assessors are now by law audited and paid in said county.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after the first day of March, eighteen hundred and seventy-two.

CHAPTER CCXI.

An Act to authorize the Board of Supervisors of Yolo County to levy special taxes for county purposes.

[Approved March 7, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Annual tax

SECTION 1. The Board of Supervisors of the County of Yolo is hereby empowered and authorized to levy and collect annually, in the manner provided by law for levying and collecting State and other county taxes, a tax for county expenditures, not exceeding seventy-five cents on each one hundred dollars valuation of taxable property in said county, and upon the same property a special tax for road purposes in said county, not exceeding fifty cents on each one hundred dollars valuation.

Special tax

SEC. 2. The said Board of Supervisors shall have power to levy and collect annually, in the same manner, for the fiscal years (1874-5) eighteen hundred and seventy-four and five and (1875-6) eighteen hundred and seventy-five and six, a special tax upon the same property, not exceeding twelve cents upon each one hundred dollars valuation, the proceeds of which shall be appropriated and applied, under the direction of said Board of Supervisors, to the repair and completion of the Court House and County Jail in the county seat of said county, and for no other purpose.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed, so far as the same apply to Yolo County.

CHAPTER CCXII.

An Act to authorize the construction of a Public School House in Yuba School District in the County of Sutter, and to provide funds therefor.

[Approved March 7, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Within ten days after the passage of this Act, the Judge of the Tenth Judicial District, in open Court or in chambers, is hereby authorized to nominate and appoint three electors of Yuba School District of Sutter County, "Commissioners," with the powers and duties hereinafter enumerated. Commissioners.

SEC. 2. The said Commissioners are hereby authorized and required, within twenty days after the passage of this Act, to levy a special tax of not exceeding two per cent upon the valuation of all property, real and personal, in said school district, and annually thereafter, until a sufficient amount is obtained for the purpose of constructing and furnishing a public school house upon the site of the present school house of said district; said school house and furnishing not to exceed in cost six thousand dollars. Special tax

SEC. 3. A special election for an Assessor and Collector shall be called by said Commissioners, to be held within thirty days after the passage of this Act, which election shall be conducted in the manner provided by law for school district elections; *provided*, that any qualified elector may be chosen to fill both offices; and *provided* further, that the Act known as the Registry Act shall not apply to said election. Assessor and Collector.

SEC. 4. The said Assessor shall, within ten days after his election, take the usual oath of office, and proceed to assess all of the property, real and personal, in said district at its cash value, and place the same in an assessment roll, which said roll shall be equalized by said Commissioners upon five days previous notice posted upon the Court House door of said county. Duties of Assessor.

SEC. 5. Immediately after the adjournment of said Commissioners as a Board of Equalization, said roll shall be delivered to the Tax Collector, who shall, within five days thereafter, take the usual oath of office and file a bond to the People of the State of California, to be approved by said Commissioners, in the penal sum of three thousand dollars. Said Collector shall immediately thereafter proceed to collect said tax in gold coin, after giving five days notice by posting notices in three conspicuous places in said district. Duties of Collector.

SEC. 6. The said Commissioners shall allow said Assessor and Collector such compensation as they may deem reasonable, for all services rendered by them under the provisions of this Act. Compensation.

Delinquent
taxes.

SEC. 7. On the thirty-first day after the expiration of the five days mentioned in the fifth section of this Act, the said Collector shall write the word "Paid" on said roll, opposite the name of all persons who have paid said tax, and attach to said roll his certificate, enumerating the names and amounts of all persons then delinquent, and deliver said roll to the District Attorney of said county.

District
Attorney.

SEC. 8. The said District Attorney shall, immediately upon the receipt of said roll, bring suit against said delinquents in the name of the People of the State of California, and all laws now existing for the collection of State and county delinquent taxes shall be applicable to said suits, and pay all moneys so collected to the County Treasurer, and said Treasurer shall apply said moneys as hereinafter directed.

Disburse-
ment of
Funds.

SEC. 9. On or before the day upon which said Collector is herein required to deliver said roll to the District Attorney, said Collector shall pay over to the County Treasurer all moneys collected by him under the provisions of this Act, and take duplicate receipts therefor—one of which receipts he shall deliver to one of said Commissioners, who shall file the same with the County Auditor. Said County Treasurer is hereby required to take charge of said moneys, which shall be placed to the credit of Yuba School District, subject to the warrants of a majority of said Commissioners; and should there not be sufficient moneys in said Fund to pay said warrants, said Treasurer shall indorse the same, with the words "Not paid for the want of funds," and until paid said warrants shall draw interest at the rate of ten per cent per annum.

No com-
pensation.

SEC. 10. The said Commissioners, Treasurer, and District Attorney shall perform the duties required of them under the provisions of this Act without fee or compensation.

Surplus
moneys.

SEC. 11. After the said school house shall have been completed, furnished, and paid for, the duties and powers of said Commissioners shall cease, and the amount then remaining to the credit of said district in the Treasury (if any there be) shall be subject to the warrants of the County Superintendent of Public Schools of said county, and shall be expended in maintaining a free school in said district.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXIII.

An Act to repeal an Act entitled an Act for the incorporation of the City of Anaheim, approved February tenth, eighteen hundred and seventy, and appointing Commissioners to dispose of the property, pay the indebtedness, and settle the affairs thereof.

[Approved March 7, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled an Act for the incorporation of the City of Anaheim, approved February tenth, A. D. eighteen hundred and seventy, is hereby repealed. Repealing.

SEC. 2. August Langenberger, Theodore Rimpan, and Theodore Reiser are hereby constituted a Board of Commissioners for the purpose of settling and adjusting the affairs of the corporation of the said City of Anaheim, and they shall have the power; and it is hereby made their duty, within thirty days after the passage of this Act to proceed to the disposal and sale of all property, both real and personal, belonging to said City of Anaheim, by public auction to the highest and best bidder, or in such other mode or manner as the said Board may deem for the best interest of said city, and the proceeds of said sale shall be retained by them for the purposes hereinafter named in this Act. Commis-
sioners.

SEC. 3. The Board of Commissioners shall immediately proceed to the collection, by suit or otherwise, of all moneys due said city from delinquent taxes or from any other source whatever, and said money, when collected, shall be retained by said Board for the purposes hereinafter named in this Act. Collection
of delin-
quent taxes

SEC. 4. The disincorporation of the City of Anaheim as hereby provided for shall in no respect authorize or warrant any person or persons to obstruct, dig up, injure, or destroy any public street or avenue of said city as they are now laid out and used, but said streets shall continue to be held, used, and enjoyed as public highways, and any person obstructing, injuring, or destroying any of them by digging up or fencing across the same, shall be guilty of a misdemeanor and be liable to be prosecuted before any Justice of the Peace of said County of Los Angeles, upon complaint of any property holder resident upon the streets so injured, and on conviction thereof shall be fined in a sum not less than twenty dollars nor more than one hundred dollars. Said fine, when collected, shall be paid over to the credit of the Anaheim School Fund. Disincorporation.

SEC. 5. At the first regular meeting of the Board of Commissioners after the passage of this Act, they shall post notices in at least three public places in said city, notifying all persons having claims against said city, of whatever name or nature, to present the same within thirty days of the date of said notice. And any claim not so presented to said Board of Commissioners Presenting
claims.

within the said specified time of thirty days shall not become a legal claim against the said City of Anaheim, and shall be invalid, both in law and equity, as against said city; *provided*, that the provisions of this section shall not apply to warrants issued payable out of the City Treasury.

Auditing
claims.

SEC. 6. The Board of Commissioners shall, as soon as practicable after the expiration of the thirty days notice provided for in section two of this Act, and after the property, real and personal, shall have been disposed of as provided in this Act, proceed to audit and allow all just claims duly certified against said City of Anaheim, and said Board shall pay the said claims out of the moneys in their hands derived from the sale of the real or personal property, or otherwise.

Term or
office.

SEC. 7. The Board of Commissioners shall be and they are hereby continued in office until all the provisions of this Act shall have been complied with and carried into effect; and *provided*, that as soon as the provisions of this Act shall have been fully complied with, it shall be the duty of the Board of Commissioners to make out and post in at least three public places in said city, a statement duly verified under oath, of all moneys received, and the disposition made of all public property and of all moneys paid out under the provisions of this Act.

Outstand-
ing indebt-
edness.

SEC. 8. All moneys remaining in the hands of the Board, after liquidating all outstanding indebtedness of said city, shall be paid over by said Board to the order of the Trustees of the Anaheim School District.

Bonds.

SEC. 9. The Board of Commissioners named in this Act, on entering upon the duties enjoined upon them by the provisions of this Act, shall duly qualify, and file a good and sufficient bond in such amount as is now required by law of the Mayor and Common Council of said city, and to be approved in the same manner, conditioned for the faithful discharge of all duties required of them by law under the provisions of this Act; *provided*, that the said Board of Commissioners, while so engaged in performing the duties enjoined upon them by this Act, shall be entitled to receive for their services the same rate of salary heretofore allowed by law to the Common Councilmen of said city.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXIV.

An Act to provide for the liquidation and payment of the indebtedness of Yolo School District in the County of Yolo.

[Approved March 7, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In order to liquidate and provide for the payment of the indebtedness of Yolo School District, in Yolo County, it

shall be the duty of the Board of Supervisors of Yolo County, in addition to the taxes now levied by law for school purposes, to levy an additional tax on all the real and personal property within the limits of said school district, not exceeding twenty cents on each one hundred dollars of taxable property, in said school district; said tax shall be collected at the same time and in like manner as other taxes for the maintenance of common schools; *provided*, nothing in this Act be so construed as to authorize or entitle the Assessor or any other officer of Yolo County any compensation for his services in assessing or collecting said tax.

SEC. 2. All moneys collected by authority of this Act shall be paid into the County Treasury of Yolo County, to the credit of said Yolo School District, only to be drawn out by the warrant of the County Superintendent of Common Schools, upon the order of the Trustees of said school district, for the purposes set forth in this Act.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCXV.

An Act to amend an Act entitled "An Act to provide five competitive scholarships for the benefit of meritorious young men desirous of entering the State University," approved April first, eighteen hundred and seventy.

[Approved March 7, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended to read as follows:

Section 1. The Regents of the University of California are authorized to establish four competitive scholarships, each embracing the full term of four years in the University. One only of said scholarships shall be issued at the beginning of each University year, except to fill vacancies; *provided*, that the present and all future scholarships shall be subject to examination at the close of each University year, and if the student having the benefit of any scholarship shall not be found by his acquirements, industry, and conduct to deserve the continuance of the same, it shall be the duty of the President of the University to report the same to the Regents, who shall declare the scholarship vacant, and the same shall thereafter be filled in the same manner as other scholarships are filled. The present scholarships shall be subject to this Act, and the appointments herein provided for shall be made when vacancies occur; *provided*, that the number shall be reduced to four, as above provided.

SEC. 2. Section three of said Act is amended so as to read as follows:

—Appropri-
ation.

Section 3. Each scholarship shall be entitled to three hundred dollars per annum, to be appropriated out of the funds belonging to the University, and shall be applied, under the direction of the proper officer of the Faculty, to the education and support of the scholar during his University course; *provided*, the Regents may, upon the recommendation of the Faculty, revoke any scholarship for improper conduct or violating of established rules, and shall have power to fill all vacancies which may occur in scholarships under competitive examination.

SEC. 3. This Act shall take effect and be in force on and after its passage.

CHAPTER CCXVI.

An Act to incorporate the Town of Alameda.

[Approved March 7, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Corpo-
ration.

SECTION 1. The people of the Township of Alameda, in the County of Alameda, are hereby constituted a municipal corporation by the name of the Town of Alameda, and the boundaries of said town shall be the same as now—form the said Township of Alameda.

Officers.

SEC. 2. The government of said town shall be vested in a Board of five Trustees, an Assessor, who may act also as Superintendent of Streets, and a Treasurer, who may also act as Clerk of said Board of Trustees. The Justices of the Peace and Constables elected in and for said township from time to time, shall perform their respective duties in said town, and shall respectively give effect to all ordinances that may be enacted by the said Board of Trustees in pursuance of the power given to said Board by this Act.

Election.

SEC. 3. Said Trustees, Assessor, and Treasurer shall be elected by the qualified electors of said town on the first Monday in May, A. D. (1872) eighteen hundred and seventy-two, and their successors on the first Monday in May of each succeeding year, at an election to be held for that purpose.

Board of
Trustees.

SEC. 4. The Board of Trustees shall assemble within ten days after their election, and shall choose a President from their number. They shall fix the time and place of holding stated meetings, but they may be convened at any time by the President, by a written notice delivered to each member. All meetings shall be public. A majority of the Trustees shall

Quorum.

constitute a quorum to do business, but no ordinance shall have legal force unless it shall receive a majority vote of all members elected. In case of failure of a member of the Board, or of any officer elected under this Act, to qualify, a new election shall be ordered by said Board, to fill the vacancy, upon giving twenty

days notice, either by posting or by advertisement in a paper published in said town. In case of death or resignation of any member of said Board or officer of said town, such vacancy Vacancy. may be filled by the other members of said Board at their regular meeting. They shall keep a journal of all their proceedings; *provided*, that the election to be held on the first Monday of May, A. D. eighteen hundred and seventy-two, shall be ordered by the Board of Supervisors of Alameda County in the same manner as new elections are ordered to be held under this section for the election of officers to fill vacancies. The Board of Supervisors shall appoint polling places and officers of election, which officers of election shall canvass the votes and give certificates to the candidates, for the several offices, which shall have received the greatest number of votes.

SEC. 5. The Board of Trustees shall have power:

First—To declare any streets now open, or such as may be hereafter opened by any owner of land within said town, to be public streets. Powers.

Second—To establish the grade of said streets, to provide for the improvement or repair of the same in the manner herein-after provided, and for the erection of sidewalks, and to provide for watering such streets as shall have been graded, macadamized, or improved.

Third—To provide for the prevention and summary removal of all nuisances and all occupations detrimental to the public health, comfort, or safety; to suppress all occupations, houses, places, and exhibitions which are against good morals or contrary to public order and decency; to prevent the appearance of any person on any highway or public place in said town in a state of intoxication; to prevent the discharge of firearms, pistols, or cannon on any wharves or streets of said town, or upon private property therein without consent of the owner thereof, and to prevent any noise, disorder, or tumult to the disturbance of the public peace.

Fourth—To levy and collect annually a tax not to exceed one per cent on the assessment valuation of all property, both real and personal, within said town.

Fifth—To impose and collect a road poll tax not exceeding two dollars per annum on each male inhabitant between the ages of twenty-one and sixty; and no other road poll tax shall be collected within said Town of Alameda.

Sixth—To license, tax, and regulate all lawful trades and occupations.

Seventh—To establish a public Pound and a Poundkeeper, and prescribe his duties, and to provide for the proper care and disposition of all animals impounded; *provided*, that the Poundkeeper shall receive for his services and care of animals only such fees as by ordinance he may be allowed to collect from the owners or proceeds of said animals.

Eighth—To pass all ordinances necessary to carry into effect the powers herein granted. The style of such ordinances shall be: "The Trustees of the Town of Alameda do ordain as follows." To elect a Clerk of said Board, who shall perform such duties as may be by them required, and to pay him out of the

Treasury of said town a compensation not to exceed fifty dollars per month.

Streets and
sidewalks.

SEC. 6. If at any time the owners of one half in frontage of lands fronting on any street between two given points on said street, shall petition the Board of Trustees to order to be graded, macadamized, or otherwise improved, such street between said points, or for the construction of sidewalks on such street between said points, then it shall be the duty of said Board to cause to be drawn up plans and specifications of the character of the improvement to be made or the sidewalks to be constructed on such street, and shall order the same as petitioned for, to be made in accordance with the said plans and specifications, and shall assess three fourths of the cost of improvement of such street, or the construction of such sidewalk, upon all the property fronting upon such street between said points, the other fourth to be paid out of the Town Treasury; *provided*, that except with the reservation hereinafter mentioned, no such liability shall be incurred by said Trustees unless the money for such purpose shall be in said Treasury. The assessment provided for in this section shall be levied upon the property fronting on the portion of the street to be improved or on which the sidewalks may be erected, at such rate per front foot as may be necessary to furnish three fourths of the cost of said work; and such assessment shall constitute a lien upon such real estate until the same is paid. Whenever any street to be improved as above provided shall cross any other street, then the expense of the improvement on such crossing shall be paid by the Board of Trustees from the Town Treasury. All street work to be done under the provisions of this Act shall be let to the lowest responsible bidder; and the Board of Trustees, after adopting plans and specifications of the work as above provided, shall advertise for a period of not less than ten days, for proposals for doing such work, and may reject any or all bids if they shall deem the price required to be unreasonable, and may again advertise the said work until a satisfactory bid shall be obtained. A good and sufficient bond shall in all cases be required from contractors for the faithful performance of the work. When any street work to be done under the provisions of this Act shall have been ordered by said Board, they shall direct the Assessor to make a full and complete list of the property to be charged with the expense thereof, and the names of the owners of each lot ranged alphabetically when the same are known, specifying the number of front feet in each lot so charged, and the rate per front foot that such lot has been assessed, and shall carry out the full amount to be charged against each separate lot or parcel of land, into a separate column, and the total shall be added up at the foot thereof. Such list shall be completed and returned to said Board of Trustees within twenty days, unless the Board shall by order grant further time, and when the said list shall have been approved by said Board they shall cause the same to be delivered to the Treasurer. When the work so ordered shall have been completed, and accepted by said Board, they shall direct the Treasurer to proceed and collect the several amounts assessed. The Treasurer shall thereupon give notice to parties interested, by

publication in any newspaper published in said town, or by posting notices in three public places in said town, requiring payment to be made within thirty days from the first publication, or the first posting of such notices, and when any payment is made he shall write the word "Paid" against such amount. On the completion of the thirty days he shall declare all assessments unpaid to be delinquent, by an entry in writing at the foot of the roll, and shall then add five per cent to each sum so delinquent. He shall then proceed to advertise and collect the various amounts so delinquent, including the cost of advertising, which shall not exceed one dollar for each lot or parcel of land, from the sale of the property in the same manner as is or may be by law provided for the collection of State and county taxes in the County of Alameda, the same powers being hereby conferred upon said Treasurer as is or may be given to Tax Collectors for the said county.

Streets and
sidewalks.

SEC. 7. The annual tax authorized by this Act to be levied by the Board of Trustees, shall be levied, assessed, and collected at the same time and in the same manner as is or may be by law provided for the levying and collecting State and county taxes within the County of Alameda, the Treasurer being hereby vested with the same powers to make collections for taxes as is or shall be conferred upon Tax Collectors for the collection of State and county taxes within said county.

Annual
tax.

SEC. 8. It shall be the duty of the Assessor, within the time fixed by law for the assessment of property in the County of Alameda for State and county purposes, to make a true list of all taxable property within the limits of said town, which list, certified by him, shall on the first Monday in August be presented by him to the Board of Trustees for equalization.

Duty of
Assessor.

SEC. 9. The Board of Trustees shall meet on the third Monday in August as a Board of Equalization, and shall continue their sessions from time to time, not exceeding twenty days, as they may deem necessary. They shall hear and determine all complaints respecting the valuation of property, and may change or modify the same, as a majority of the whole Board shall deem just and proper.

Board of
Equali-
zation.

SEC. 10. The Assessor and Treasurer, before entering upon their duties, shall take the oath of office as prescribed by law, and shall severally execute a bond payable to the people of the Town of Alameda, for the faithful performance of such duties as may be required by law, in such penalty as the Board of Trustees may require; *provided*, that the bond of the Assessor shall not be less than five thousand dollars, and that of the Treasurer not less than twenty thousand dollars; and the sureties on such bond may be required to justify. The bond shall be approved by the Board of Trustees, and should at any time any bond so given or approved become insufficient, the Board of Trustees may require a further bond to be filed within ten days, and in case of failure so to do, may remove or suspend the officer, and any such vacancy shall be filled by said Board.

Bonds of
Assessor
and
Treasurer.

Approval.

SEC. 11. The Town Treasurer shall collect all taxes, dues, licenses, and moneys levied for street improvements, and shall receive and safely keep all the moneys that shall come into the Town Treasury, and pay out the same only on the order of the

Town
Treasurer.

Board of Trustees, countersigned by the President, and take receipts therefor; and shall make out a monthly statement of his receipts and payments, verified by his oath, and file the same with the Board of Trustees.

Compensation.

SEC. 12. The Trustees of said town shall receive no compensation for their services. The Treasurer and Assessor, for all the duties that may be required of them, shall receive such compensation as may be fixed by the Board of Trustees; *provided*, that allowed to the Treasurer shall not exceed one thousand dollars per annum; and that to the Assessor shall not exceed six hundred dollars per annum.

Debt not to be contracted.

SEC. 13. Neither the Board of Trustees nor any officer of the Town of Alameda shall have power to contract any debt against said town, except the money shall be in the Treasury to pay the same; and no person or property therein shall ever be liable to be assessed, or be subject to taxation in any form, to provide for the payment of any debt hereafter contracted, or any claim against said town; *provided*, that the Board of Trustees may, during the first year after the passage of this Act, incur liabilities for the purpose of improving streets, or watering such streets as shall have been improved, or the construction of sidewalks, not exceeding ten thousand dollars, which liability so incurred shall be paid from the first money coming into the Town Treasury.

Exception.

School Directors.

SEC. 14. There shall be elected six School Directors, who, together, shall constitute the Board of Education. The term of office of each School Director shall be three years, except as hereinafter stated, and after the first election, two shall be elected every year. At the first election, six shall be elected—two for one year, two for two years, and two for the full term. In case of vacancy in the office of School Director, the Board of Education shall choose a person to serve until the next election, when, if the term does not then expire, a person shall be elected to serve the remainder of the term. The said School Directors shall receive no compensation for their services.

Terms.

Meetings.

SEC. 15. Said Board shall meet on the third Monday of May in each year, and then, or as soon as convenient thereafter, choose one of its members as President and another as President pro tem. Its regular meetings thereafter shall be held on the first, second, and third Monday of every month, and at such other times as the President may by notice convene them, and at such hours as may be prescribed by rule. Such special meetings may be called by a written notice, delivered personally to each member of the Board. Four members shall constitute a quorum. No business shall be transacted without the concurrence of four members, but a majority of members present at any meeting may adjourn from time to time. All meetings shall be public, and full records of the proceedings of the Board shall be kept. The Town Clerk shall be ex officio Clerk of the Board of Education, for which services he may be allowed a sum not to exceed twenty-five dollars per month.

Quorum.

Estimate.

SEC. 16. On or before the first day of February of each year the Board of Education shall present to the Board of Trustees an estimate of the total amount of money required for school purposes for the ensuing year, with an estimate of the amount

to be received from the State and county, and at the close of each year it shall cause to be made and presented to the Board of Trustees a full report of all matters pertaining to the income, expenditures, condition, and progress of the school during the year. The Board of Education may act in the matter of the purchase or sale of lands and the erection of school houses without the consent or direction of the Board of Supervisors of the County of Alameda, but no land or building shall be purchased or sold, and no building shall be erected without the consent and approval of the Board of Trustees. Report.

SEC. 17. The President of the Board of Education shall pre- side at all meetings thereof, and shall report to said Board at the close of every school year, and whenever required, full information concerning school matters. He shall visit and examine every school in town at least once a month, and shall observe, and cause to be observed, all rules and regulations established by said Board. In case of the absence of the President, his duties shall be discharged by the President pro tem. President.

SEC. 18. The Board of Trustees shall include in the annual levy of taxes a tax for school purposes, which shall not exceed twenty cents on each hundred dollars of valuation. All sums collected for school purposes and all fines collected in the town shall constitute the School Fund. The School Fund shall be kept separate from the other Funds. School tax.

SEC. 19. All moneys received by the Treasurer of the County of Alameda on account of the Road, Bridge, or School Fund of the Township of Alameda, or any district therein, and all sums received into the County Treasury which may be apportioned to said township or any district therein, shall be paid to the Treasurer of said town by the Treasurer of said county as soon as received, or as soon as the apportionment shall be made when apportionment is necessary. Moneys.

SEC. 20. The School Fund shall be kept by the Town Treasurer, and be paid out by him on the order of the President of the Board of Education, countersigned by the Clerk of said Board. No demands shall be paid out of the School Fund unless the same have been presented to and allowed by said Board of Education. School Fund.

SEC. 21. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed. Repealing.

SEC. 22. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXVII.

An Act to extend the time allowed to the Southern Pacific Railroad Company and the Western Pacific Railroad Company in which to make the terminus of their roads upon certain lands donated to them by the State for that purpose, in the City and County of San Francisco.

[Approved March 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Extension
of time.

SECTION 1. The time within which the Southern Pacific Railroad Company and the Western Pacific Railroad Company are required to make the terminus of their roads and expend thereon the sum of one hundred thousand dollars each upon certain salt marsh and tide lands in the City and County of San Francisco, donated to said companies for that purpose by an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, one thousand eight hundred and sixty-eight, as extended by an Act entitled an Act to extend the time allowed to the Southern Pacific Railroad Company and the Western Pacific Railroad Company in which to make the terminus of their roads upon certain lands donated to them by the State for that purpose, in the City and County of San Francisco, approved April second, one thousand eight hundred and seventy, is hereby extended three months.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCXVIII.

An Act to more fully define the crime of larceny.

[Approved March 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Grand
larceny.

SECTION 1. Every person who shall convert any manner of real estate of the value of fifty dollars and upwards into personal property, by severing the same from the realty of another, with felonious intent to and shall so steal, take, and carry away the same, shall be deemed guilty of grand larceny, and upon conviction thereof shall be punishable by imprisonment in the State Prison for any term not less than one year nor more than fourteen years.

Petit
larceny.

SEC. 2. Every person who shall convert any manner of real estate of the value of under fifty dollars into personal property, by severing the same from the realty of another, with felonious

intent to and shall so steal, take, and carry away the same, shall be deemed guilty of petit larceny, and upon conviction thereof shall be punishable by imprisonment in the County Jail for a period not more than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

CHAPTER CCXIX.

An Act to provide for the establishment, maintenance, and protection of a public ford across the Stanislaus River, and a public road to and from the same, in the County of Stanislaus.

[Approved March 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right is hereby granted to establish, main- Public ford
tain, and protect a public ford across the Stanislaus River at a
point opposite the Town of Knight's Ferry, in the County of
Stanislaus.

SEC. 2. The Board of Supervisors of the said County of Stanislaus are hereby authorized and directed to establish and preserve a public ford across the Stanislaus at the most practicable point opposite the Town of Knight's Ferry in said county, and cause to be surveyed, located, and opened, a public road not exceeding fifty feet in width to and from said ford, so as to connect with Main street in said town, and thence across said river and Buena Vista Flat along the old road, or as near thereto as practicable, to the main county road leading from the Stanislaus Bridge Company's bridge towards Lagrange in said county.

SEC. 3. The same proceedings shall be had in pursuance of the provisions of this Act as are now required by law in the establishment and maintenance of other public roads in said County of Stanislaus. <sup>Power of
Supervisors</sup> Proceedings.

SEC. 4. Any person or persons who shall or may in any manner obstruct or injure said ford or road, or forcibly interfere with or resist the authority of the said Board of Supervisors in the establishment and maintenance thereof, or prevent the free use and enjoyment of the same as a public highway, when so established, shall be proceeded against in the same manner and subject to the same penalties now provided by law in other cases relating to public roads in said county. <sup>Resisting
authority.</sup>

SEC. 5. All Acts and parts of Acts so far as the same conflict with the provisions of this Act are hereby repealed. ^{Repealing.}

SEC. 6. This Act shall take effect from and after its passage.

CHAPTER CCXX.

An Act to amend an Act entitled an Act to provide for redeeming and paying the warrants outstanding against Tuolumne County, and for paying the current expenses of said county in cash, and defining and limiting the powers and duties of certain officers in relation thereto.

[Approved March 6, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Special tax Section 1. The Board of Supervisors of Tuolumne County shall have power, and it is made their duty, to levy a special tax, annually, in addition to other taxes provided for by law, of fifty cents on each one hundred dollars value of taxable property in said county, and said tax shall be collected at the same time and in like manner as other taxes are collected in said county. Three fifths of said tax shall constitute a Fund, to be called the Redemption Fund, which shall be used for the redemption of any county warrants drawn upon the Treasurer of Tuolumne County, such redemption to be made in the manner provided for in the Act of which this Act is amendatory. Two fifths of said tax shall constitute a Fund to be called the "Order of Registration Fund," which shall be used for the payment of warrants drawn upon the Treasurer of Tuolumne County in the order of their registration, one third in the payment of warrants drawn upon the General Fund, one third in the payment of warrants drawn upon the Current Expense Fund, and one third in the payment of warrants drawn upon the County Officers Salary Fund; *provided*, when all the warrants drawn upon one of said Funds shall be fully paid, the moneys in said Order of Registration Fund shall be applied equally in the payment of warrants upon the other two of said Funds in the order of the registration of the warrants; and *provided* further, that when all the warrants drawn upon any two of said Funds shall have been fully paid, then the moneys in the Order of Registration Fund shall thereafter all be applied in the payment of warrants drawn upon the other of said Funds, in the order of the registration of the warrants.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXXI.

An Act to reincorporate the City of San Diego.

[Approved March 7, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that tract of land known as the Pueblo of Boundaries
San Diego included in the survey made for the city authorities in July, eighteen hundred and fifty-eight, by J. C. Hays, United States Deputy Surveyor General for the State of California, shall henceforth be known as the City of San Diego, the boundaries of which shall be fixed by the field notes of the said survey, except the water front line on the bay, and this shall be ship's channel of the said bay; and the municipal jurisdiction shall extend to said limits and over the waters of said bay and into the ocean to the extent of one marine league from the shore.

SEC. 2. The said city shall be divided into five Wards, which Wards.
shall not be changed or altered except by an Act of the State Legislature or a unanimous vote of the Board of Trustees. The said Wards shall be as follows: The First Ward—that part of the city lying west of the line between Old San Diego and Middletown, extending said line northeasterly to the center of San Diego River; up said river to the eastern boundary of the pueblo, including all that part of the city west of the bay and west of said line. The Second Ward shall include all that part of the said city between the said line of Old San Diego on the west and the center of Front street, in Horton's Addition, on the east; extending this street as a boundary line due north to the center of San Diego River, the bay being the southern boundary of said Ward. The Third Ward—all that part of the city commencing at the center of Front street, as last aforesaid, at its intersection with F street in Horton's Addition as the western boundary of the said Ward, the center of F street in said addition as the northern boundary of said Ward, and the center of Twelfth street the eastern boundary, and ship's channel of the bay the southern boundary of the said Ward. The Fourth Ward shall include all that part of the said city which is bounded as follows: commencing at the intersection of Front and F streets, running thence east along said F street to the center of Twelfth street; thence north along the center of Twelfth street to the southern boundary of the Park Reservation; thence east along the said line of the Park to the eastern boundary of the pueblo; thence northerly along the said boundary to the middle of the San Diego River; thence westerly along said river to the eastern boundary of the Second Ward; thence south along said last named boundary to F street and the place of beginning. The Fifth Ward shall include all that portion of said city bounded on the west by Twelfth street, on the north by the southern line of the Park continued easterly to the eastern boundary of said city; on the east by said eastern boundary

of the pueblo, and on the south by the southern boundary of said pueblo and the Bay of San Diego.

Officers.

SEC. 3. The government of said city shall be vested in a Board of Trustees, to consist of five members, one to be elected from each of said Wards; a City Marshal, Assessor, Tax Collector, Clerk, Treasurer, City Attorney, City Engineer, Poundkeeper, and Street Commissioner; *provided*, that until the second Thursday in the month of May, in the year eighteen hundred and seventy-two, the present Board of Trustees of the City of San Diego shall be and constitute the Trustees of the City of San Diego. Said city shall be a body politic and corporate by the name and style of the 'City of San Diego,' and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued in all Courts and in all actions whatsoever, and may provide for the use, care, custody, and regulation of all the commons, parks, cemeteries, and property, both real and personal, belonging to the city; but shall have no power to sell or dispose of any of the real estate of the said city except as hereinafter provided.

Eligibility.

SEC. 4. No person shall be eligible to any office provided by this charter, nor to any other office which may be established by ordinance, nor shall any person be entitled to vote for the same, who shall not be a qualified elector according to the Constitution and laws of the State and who shall not have resided in the city and in the Ward for which he shall be elected or offer to vote for thirty days next preceding the election.

ELECTIONS AND APPOINTMENTS.

Elections
and
appoint-
ments.

SEC. 5. A charter election shall be held on the second Thursday in May, in the year eighteen hundred and seventy-two, and every two years thereafter, for the election of five Trustees, one in each Ward as aforesaid, a Tax Collector, who shall be ex officio Marshal of said city, and an Assessor, who shall be elected by the qualified voters of the city as aforesaid, and who shall hold office until their successors are elected and qualified as hereinafter provided. The Treasurer, Clerk, City Attorney, City Engineer, Poundkeeper, and Street Commissioner may, in the discretion of the said Board, be appointed by a majority of the said Board of Trustees at the first or any subsequent meeting after their election as aforesaid, who shall hold office during the same term as the Trustees appointing them were elected to serve, and until their successors in office are appointed and qualified.

VACANCIES.

Vacancies.

In case of any vacancy in the present Board of Trustees of the city, or in any subsequent Board, from any cause, it shall be the duty of the said Board to call a special election in the Ward where such vacancy may occur to fill the same by election, after giving ten days notice according to law, and the said election shall be held and the returns made and the result declared in the same manner as hereinafter set forth for the election of the five Trustees. If any vacancies shall occur in any of the other elected offices created by this Act, it shall be

the duty of the said Board of Trustees to call a special election to fill the same for the unexpired term; but in case of a vacancy in any of the offices to be filled by appointment as herein provided, then it shall be the duty of said Board to fill the same by appointment.

MANNER OF CONDUCTING ELECTIONS.

SEC. 6. For the first election held to fill the offices created by this Act the present Board of Trustees of said city shall appoint one Inspector and two Judges of Election in each Ward, who, together with two Clerks to be appointed by them, shall take the oath of office prescribed by law for Inspectors and Judges of State and county elections, to be held at a place to be designated by said Board of Trustees in each of said Wards, declare the polls open, and in all things conduct the said election in the manner as prescribed for State and county elections in this State, except that the polls shall be opened at ten o'clock A. M. and continue open until seven o'clock P. M. of the same day. At all subsequent elections the said Trustees shall appoint the Judges and Inspectors and fix the place of voting for each of said Wards. The returns of the first city election shall be made out and signed by the said officers of election and filed with the Secretary of the present Board, and all subsequent election returns shall be made to the City Clerk. Within five days after the said elections the Board of Trustees shall open the said returns in public, count the said votes, and declare the result. The person having the greatest number of legal votes in each Ward for Trustee shall be duly declared elected as Trustee for said Ward, and receive from the Secretary or Clerk a certificate of his election. The persons who shall respectively receive the greatest number of legal votes for each of the offices of Tax Collector and Assessor shall be declared elected to said offices and receive a certificate of election, signed by the said Secretary or Clerk, and the said Trustees shall judge of the qualifications and of the election returns of their own members and determine contested elections of city officers.

Manner of
conducting
elections.

MEETING OF BOARD AFTER ELECTION.

SEC. 7. The Board of Trustees shall assemble within five days after receiving notice of their election and choose a President from their number, and some person as Clerk. They shall, by ordinance, fix the times and places of holding their stated meetings; and may be convened by the President at any time; and all meetings of the Board of Trustees shall be held within the corporate limits of said city.

Meeting of
Board after
election.

QUORUM FOR BUSINESS.

SEC. 8. At the meetings of the Board a majority of the Trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously by ordinance may have prescribed.

Quorum.

Rules. The said Board of Trustees may establish rules for their own proceedings, punish any member, or any other person for disorderly behavior in their presence, and with the concurrence of four of the Trustees, expel any member. They shall keep a journal of their proceedings, and at the desire of any member shall order the yeas and nays to be taken on any question, and entered on the journal.

No interest in contracts SEC. 9. No Trustee shall be interested in any contract, directly or indirectly, nor receive any compensation for his services as Trustee. The said Trustees shall fix by ordinance the compensation of each of the officers appointed by them, and prescribe their duties.

GENERAL POWERS OF THE TRUSTEES.

Powers of Trustees. SEC. 10. The Board of Trustees shall have power within the city:

First—To make by-laws and ordinances not repugnant to the Constitution and laws of this State.

Second—To levy and collect for revenue purposes of the city taxes on all property, real and personal, made taxable by law for State purposes, not exceeding one per centum per annum upon the assessed value of such property.

Third—To levy and collect a special tax not exceeding fifty cents on the one hundred dollars in each year, on all property, both real and personal, in said city made taxable by this Act, for the payment of all interest moneys on any or all sums borrowed by virtue and authority of and in accordance with the provisions of this Act.

Fourth—To establish a water front line, and fix the grade of said city to conform thereto, and to make special assessments of taxes for altering, widening, filling up, grading, graveling, or otherwise improving any street, alley, or public ground of the city, amounting to the whole cost of such improvement upon the real property situated upon either side of the street, alley, or public ground of the city to be improved, according to the benefit to accrue thereby to such property, to be computed by three persons chosen by the Board of Trustees for that purpose, and who, before entering upon their duties, shall be sworn to make such computation faithfully and impartially, and shall make their report to the Board of Trustees in writing under their hands; and the concurrent report of any two of whom may be received as final in the premises; *provided*, that the owners of more than one half of the real estate on either side of any street, alley, or public ground shall petition the Board of Trustees for such improvement, but not otherwise.

Fifth—To provide for the draining, grading, paving, improvement, repairs, and lighting of the streets, and the construction of sidewalks, drains, and sewers, and keeping the same in repair, and the cleaning of the drains and sewers, and the prevention and removal of obstructions on the sidewalks, and on all streets and public grounds of the city.

Sixth—To establish fire limits; to provide for the prevention and extinguishment of fire, and to organize, establish, and control fire companies.

Seventh—To regulate the storage of gunpowder, tar, pitch, resin, and other extremely combustible material. Powers of Trustees.

Eighth—To organize, regulate, and pay a police force, night watch, and patrols in said city; to prevent and remove nuisances, and to declare what is a nuisance.

Ninth—To prevent and restrain any riot or disorderly assembly in any street or place in the city.

Tenth—To remove from the immediate vicinity of the inhabited parts of the city all slaughter houses, hog pens, hay stacks, brick kilns and yards.

Eleventh—To license and regulate auctioneers and taverns, bar rooms, billiard tables, bowling alleys, theatrical and other exhibitions, shows, and amusements; *provided*, no license tax shall be assessed by the Board of Trustees of said city for any hotel, tavern, public house, or bowling alley, exceeding for each twenty dollars a month.

Twelfth—To license, tax, regulate, prohibit, or suppress tippling houses, dram shops, and hawkers and peddlers, and pawnbrokers, and to suppress disorderly houses, of ill fame, and gaming and gambling houses.

Thirteenth—To borrow money upon the faith and credit of the city; but no loan shall be made without the consent to such loan of a majority of the real estate owners of the city residing therein previously obtained.

Fourteenth—If the Board of Trustees desire to effect a loan for any purpose they shall submit a proposition for effecting such loan, stating the amount of the loan, to the real estate owners of the City of San Diego at a special election to be held for the purpose, the Board of Trustees giving ten days' public notice of the same; and if a majority of the real estate owners vote in favor of such proposition the Board of Trustees shall have power to effect such loan, but not otherwise, and pledge the faith of the city for the payment of such loan. No person except an owner of real estate in said city, and residing therein, shall vote on said proposition.

Fifteenth—To appropriate money for any item of city expenditure, and to provide for the payment of any debts and expenses of the city.

Sixteenth—To compel the attendance of absent members; to punish its members for disorderly conduct, and to expel members, with the concurrence of four of the Trustees.

Seventeenth—To fix the rate of tolls to be charged on wharves and docks in the Bay of San Diego, and to regulate the same.

Eighteenth—To sell and lease the real estate belonging to said city, and to provide by ordinance for such sale or lease; but no sale shall be made except at public auction, after at least ten days notice, and then to the highest and best bidder, for cash.

Nineteenth—To provide a Cemetery Commission of three persons to take charge, regulate, and lay out and manage the cemetery of said city; but the said Commissioners shall receive no compensation for such service.

Twentieth—To grant street railroad franchises and regulate

Powers of
Trustees.

the tariff on the same; to regulate railway tracks, and to fix the rate of the sale of water by any water company in said city.

Twenty-first—The Trustees shall fix by ordinance the amount of taxes to be levied for each year for current expenses. The fiscal year shall commence January first of each year.

Twenty-second—The Board of Trustees, or a committee of their members appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessments, and after ten days' notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they or a majority of them shall deem just and proper. Said meeting shall be held for one week and no more.

Twenty-third—The Trustees shall succeed to all the rights, title, interests, possessions, credits, and immunities, liabilities, debts, and obligations, in law or in equity, that shall be enjoyed or owned by the President and Trustees of the City of San Diego at the time of the taking effect of this Act. The said Trustees may hold and receive property, real and personal, within said city, necessary for public purposes; *provided* further, that the Trustees may receive and hold lands outside of the corporate limits, for cemetery purposes, and for the purpose of supplying the city with water, and have the same control over such property as if situated within the limits of said city.

Twenty-fourth—The Board of Trustees shall, with a practicing physician appointed by them, constitute a Board of Health. Said Trustees shall have power to pass ordinances to prevent anything that is or may become injurious to the health of persons, or that will in any way obstruct the free use or enjoyment of any person's property within the limits of said city; and to place in quarantine any steamer, ship, vessel, or other water craft that may come into the port of San Diego with any contagious or infectious disease. By order of said Board of Health, suit may be instituted against said offender or offenders, in the name of the city, for the removal of the same, the costs of such suits to be collected as in other cases.

Twenty-fifth—The Board of Trustees shall have power to pass all ordinances and by-laws necessary and proper for fully carrying into effect the foregoing power. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all members elected, and be published five times in some newspaper in said city.

SEC. 11. Until the Board of Trustees shall pass such ordinances as may be required by this Act, the ordinances heretofore passed by the acting Board of Trustees of said city shall be as legal and effectual as if passed under this Act, and the same shall be enforced by the city officers until others in their stead shall be passed by the Board of Trustees and published. The road tax ordered to be collected within the limits of said city by the Board of Supervisors of said San Diego County shall be collected by the Marshal of said city and paid into the City Treasury, to be expended within said limits for road purposes.

FINES FOR VIOLATION OF ORDINANCES.

SEC. 12. The Board of Trustees may impose fines for the ^{Fines.} breach of their ordinances, but no fine shall be imposed on any one person, for any one breach of any ordinance, of more than one hundred dollars, which fine may be recovered before any Justice of the Peace having his office within the incorporate limits of the city, by suit, in the name of the City of San Diego, and collected by execution, or in any such other manner as fines imposed by the laws of the State are collected; and all persons living in the city shall be competent witnesses, if in other respects competent and qualified. All fines collected in pursuance of this Act shall, by the officers collecting the same, be paid over to the City Treasurer; and for any omission to do so such officer may be proceeded against upon his official bond, in the name of the city, in the manner authorized by law on the failure of officers to pay over money collected when so required. The Board of Trustees shall have power to impose fines and imprisonment for any breach or violation of any city ordinance; but no fine shall be for a larger amount than one hundred dollars, nor more than thirty days' imprisonment for any one offense.

GRADING STREETS.

SEC. 13. If at any time the owners of a majority of the real estate fronting in any street, counting from one cross street to another cross street, shall petition the Board of Trustees for the privilege of constructing, repairing, grading, planking, graveling, or paving such street, or the sidewalks along the same, then it shall be the duty of the said Trustees to cause an immediate survey of the proposed improvements to be made by some competent surveyor, who shall, in his specifications, give the proper grade and the amount of excavation or filling in front of such person's real estate, to the middle of the street; or if the improvements only extend to the sidewalks, then he shall give the grade and the amount of the excavation or filling up of the sidewalks. If the Board of Trustees approve the survey and specifications of the surveyor, they shall order said ^{Approval of survey.} improvements as petitioned for to be made, and shall make an assessment of the costs thereof to each of the persons owning said real estate, and the same shall constitute a lien upon such real estate until each assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making his improvements in accordance with the specifications and within the time mentioned in the ordinance ordering said improvements to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out in the manner provided by ordinance the making of all improvements that remain unfinished; and if the owners or occupants of such real estate shall fail or neglect, or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute suit in the name of the city against said owner for the recovery of said costs; and the judgment rendered thereon shall constitute a lien upon said real

Same. estate, and execution may be issued thereon and may be served as in other civil cases. The Trustees may require the streets, after such improvements have been made, to be kept in good repair by the owners of said real estate, and if not repaired when ordered by the Marshal, the Trustees shall let out the making of said repairs, and collect the costs of the same, in the same manner as in case of the owner's failing to make or pay for the cost of the improvements as aforesaid; *provided* further, that the cost of the survey and specifications shall be paid out of the General Fund of the city. Whenever any street to be improved, as provided in section thirteen of this Act, shall cross any other street, then the expense of the improvement on such crossing shall be assessed by the Board of Trustees upon the four quarter blocks adjoining and coming on the crossing; and each lot, or part of a lot, in such quarter block fronting on such street where the improvement is being or about to be made, shall be separately assessed to its proportion of frontage on such street to be improved.

CONTRACTS FOR BUILDINGS.

Contracts for building. SEC. 14. All contracts for building and repairing, or other work, or furnishing materials, which the Trustees are authorized to make for said city, shall be by them let to the lowest responsible bidder. Before making any contract for building, repairing, or other work, or for furnishing materials, the Trustees shall first advertise for sealed proposals for at least twenty days, in a newspaper published in the city, and all proposals shall be opened in the presence of the bidder.

PRESENTATION OF CLAIMS.

Prosen- tation of claims. SEC. 15. All demands that shall lawfully arise against the city, in order to be entitled to payment shall be presented to and allowed for such amount as shall be deemed just by the Board of Trustees; and no bill, demand, or warrant shall be paid out of the City Treasury unless the same be allowed by the Board of Trustees, signed by the President of said Board, and countersigned by the Clerk, and shall specify out of what Fund or appropriation the same shall be paid.

BONDS OF OFFICERS.

Bonds. SEC. 16. The Marshal, Treasurer, Assessor, Clerk, and City Attorney, before entering upon the duties of their office, shall take the oath of office, as prescribed by law, and shall also give a bond, with sureties, to be approved by the Board of Trustees of said city, payable to the City of San Diego, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their offices as required by law. Should the bond of any city official become insufficient, he shall be required to give additional security, within ten days, as the Board of Trustees may require, not exceeding the amount required by ordinance. Upon his failure to do so at the time fixed, his office shall be declared vacant, and a new election

ordered, or the vacancy filled by appointment as herein provided.

FAILURE TO QUALIFY.

SEC. 17. Should any of the officers herein mentioned fail to qualify and give the bond required, for the period of ten days after receiving notice of their election, the office shall be deemed vacant, and the same shall be filled as provided for in this Act. The official bond of every officer named in this Act shall be filed with the President of the Board of Trustees.

Failure to
qualify.

DUTIES OF OFFICERS—THE PRESIDENT.

SEC. 18. The President of the Board of Trustees shall preside at all meetings; he shall communicate to the Board all such information as he possesses, and make such recommendation in regard to the affairs of the city as he may deem expedient, at such meetings; he shall make a semi-annual report and statement on the first Monday of September and March in each year, of the receipts and expenditures of the preceding months, specifying upon what account such expenditure and receipt was made and had, embodying also his views and recommendations of the city affairs, and cause the same to be published. If he neglect to make and cause such statement to be published, he shall forfeit for such neglect the sum of two hundred dollars, to be recovered in any Court of competent jurisdiction; one half whereof shall be to the use of the city, and the other half for the use of the person who may bring the suit for collection of the said forfeiture.

Duties of
President.

THE MARSHAL.

SEC. 19. It shall be the duty of the City Marshal, in addition to the duties required of him by the Board of Trustees, and he is hereby authorized to execute and return all processes issued by the Justices of the Peace within said city limits, in which said city is a party, regularly; to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same; to collect all licenses and taxes that shall at any time be due to said city; to receive the tax list, and upon receipt thereof, to proceed and collect the same at the same time and manner as by ordinance may be provided, the said Marshal being hereby vested with the same power to make collections of taxes by the sale and conveyance of real estate as is or shall be conferred upon Collectors or Sheriffs for the collection of State and county taxes; and it shall be the duty of said Marshal to collect in the same manner any tax list placed in his hands for that purpose, without any unnecessary delay, and pay all taxes and licenses to the City Treasurer monthly, taking his receipt therefor, retaining his percentage thereon, which shall not exceed five per cent. The City Marshal shall also be invested with all the powers conferred by law upon Constables, and shall receive the like fees for his services, to be paid in like manner.

Marshal.

THE TREASURER.

Treasurer. SEC. 20. It shall be the duty of the City Treasurer to receive and safely keep all moneys that shall come into the City Treasury, and pay out the same on the order of the President of the Board of Trustees, countersigned by the City Clerk, and take receipts therefor, and to perform such other duties as shall be required of him by said Board; and he shall be allowed a commission of two per cent on all moneys paid out on orders drawn and signed as aforesaid, if there be money in the Treasury sufficient to pay the same; and shall make out a quarterly statement of his receipts and payments, verified by his oath, and file the same with the City Clerk, and at the end of his official term shall deliver to his successor in office all moneys, books, papers, or other property in his possession belonging to the city, and take his receipt therefor.

DUTY OF CLERK.

Clerk. SEC. 21. It shall be the duty of the City Clerk, in addition to any duties required of him by the Board of Trustees, to attend all meetings held by such Board; he shall keep a correct journal of their proceedings, and on receiving the official returns of all charter elections held, shall, without delay, after the result of the election has been declared by the Board of Trustees, notify the persons elected; and shall draw and countersign all orders drawn on the City Treasury; and he shall receive such compensation as said Board of Trustees may deem just.

DUTIES OF ASSESSOR.

Assessor. SEC. 22. It shall be the duty of the City Assessor, in addition to any duties required of him by the Board of Trustees, between the first Monday of June and the first Monday of October of each year, to make out a true list of all taxable property within the limits of said city, which list, certified by him, shall be placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of property shall be the same as that prescribed by law for assessing State and county taxes; and the Assessor shall receive for his services such sum as shall be fixed by ordinance, not exceeding four dollars for each day's labor.

TAX COLLECTOR.

Tax Collector. SEC. 23. The Tax Collector, who shall be ex officio Marshal of said city as aforesaid shall receive such compensation as may be fixed by said Trustees.

CITY ATTORNEY.

City Attorney. SEC. 24. The City Attorney shall perform such services and receive such compensation as may be fixed by ordinance of said Board.

JUSTICES OF THE PEACE.

SEC. 25. It shall be the duty of the Justices of the Peace within said city limits, and they are hereby authorized and required to take cognizance of all offenses against the ordinances of said city, and all breaches of the city ordinances. They shall be entitled to receive the same fees as are allowed Justices of the Peace by law for like services; and all fines imposed by the Justices of the Peace, and collected for any breach of the peace or violation of any city ordinance, shall be paid into the City Treasury for the use and benefit of the city. Justices of the Peace.

COLLECTION OF TAXES.

SEC. 26. The Board of Trustees shall by ordinance fix the time and manner of collecting the tax herein provided for, and the time and manner of selling property for unpaid taxes. All property sold for unpaid taxes shall be subject to redemption upon the same conditions as property sold for State and county tax. An Act to repeal the charter and create the Board of Trustees for the City of San Diego, approved January thirtieth, eighteen hundred and fifty-two, also an Act to extend the police powers of the President and Trustees of the City of San Diego, approved March thirtieth, eighteen hundred and sixty-eight, and an Act to grant further powers to the Board of Trustees and define the boundaries of the said city, approved March twelfth, eighteen hundred and seventy, and all Acts or parts of Acts in conflict with this Act, are hereby repealed. Collection of taxes.
Repealing.

SEC. 27. This Act shall be in force from and after its passage.

CHAPTER CCXXII.

An Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeen, eighteen hundred and sixty-one.

[Approved March 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighty-two of the above entitled Act is hereby amended so as to read as follows:

Section 82. Every traveling merchant, hawker, or peddler who shall carry a pack and vend wares, goods, or merchandise of any kind, shall pay for each license five dollars per month; and every such traveling merchant, hawker, or peddler who shall use a wagon, boat, or other water craft, or one or more animals for the purpose of vending any wares or merchandise of any kind, or wines, or fermented liquors, or spirituous liquors, Licenses.

shall pay for each license fifteen dollars per month; *provided*,
 Exceptions that nothing in this section shall be construed as to apply to
 the agricultural productions of this State, or to any of the fol-
 lowing articles, when manufactured in this State, viz: agricul-
 tural implements, wooden or willow ware, tinman's ware, brooms,
 pottery, matches, or wagon work. The Auditor shall issue to
 the Tax Collector the license contemplated in this section, which
 license so issued shall authorize the holder of the same to vend
 goods, wares, and merchandise, as set forth in the county where
 such license was obtained; and it is hereby made the duty of
 every Justice of the Peace, Constable, Sheriff, Tax Collector,
 and peace officer to demand the license of any such peddler or
 hawker, and if such person be found not to have a license, as
 Misde- directed by law, the person so offering any goods or wares for
 meanor. sale shall be guilty of a misdemeanor, and on conviction shall
 be fined in any sum of not less than fifty nor more than one
 hundred dollars. The money collected under the provisions of
 this section shall be paid into the County Treasury for county
 purposes.

SEC. 2. This Act shall take effect and be in force from and
 after its passage.

CHAPTER CCXXIII.

An Act to authorize the City of Vallejo to borrow money.

[Approved March 8, 1872.]

*The People of the State of California, represented in Senate and
 Assembly, do enact as follows:*

Trustees to SECTION 1. The Board of Trustees of the City of Vallejo
 borrow are hereby authorized to borrow the sum of fifty thousand dol-
 fifty lars, gold coin, upon the faith and credit of the city, to provide
 thousand means for the prevention and extinguishment of fires, and
 dollars. toward the maintenance of a Fire Department in said city; to
 erect City Hall and Jail; to improve its parks; to purchase or
 lease the necessary grounds for engine houses; to make provis-
 ion for the health and police of said city, and for such other
 incidental purposes as the administration of the city govern-
 ment may require.

Issuing SEC. 2. To secure such loan of money the Board of Trustees
 bonds. of said city are hereby authorized to cause to be issued the
 bonds of the said city to the amount of fifty thousand dollars
 gold coin of the United States, in sums of one thousand dollars
 each, with interest coupons attached, payable in like gold coin,
 at the rate of seven per cent per annum; the principal sum of
 fifty thousand dollars to be payable in twenty years, and the
 interest to be payable annually, and thereby to pledge the faith
 of the said city for the payment of the same. Such bonds and
 interest coupons shall be executed in the name of the City of
 Vallejo, and shall be signed by the President of the Board of

Trustees and the Clerk of the Board; and each of said bonds shall have attached thereto the corporate seal of said city, and shall be numbered consecutively from number one to number fifty, and shall be registered in the office of the City Treasurer, and be countersigned by him.

SEC. 3. The President of the Board of Trustees is hereby ^{Authority of President.} authorized to negotiate the said loan on the faith of said bonds, as the Board of Trustees shall by resolution or ordinance authorize or direct.

SEC. 4. To provide for the payment of the interest on said loan, an annual tax shall be assessed, levied, and collected at the same time and in the same manner as other city taxes.

SEC. 5. All Acts and parts of Acts inconsistent with the ^{Repealing.} provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAPTER CCXXIV.

An Act to provide funds for the construction and improvement of highways in the County of San Mateo.

[Approved March 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the regular meeting of the Board of Supervisors of the County of San Mateo, on the first Monday in April, eighteen hundred and seventy-two, said Board shall cause to be issued and delivered to the County Treasurer, taking his receipt therefor, to be filed in the office of the County Auditor of said county, the bonds of the County of San Mateo, to an amount not exceeding sixty thousand dollars. Said bonds shall be issued in sums of five hundred dollars each; shall be numbered consecutively; shall be made payable to bearer fifteen years after date, and redeemable at the pleasure of the county at any time after five years, and within fifteen years from the date; shall be payable at the office of the County Treasurer of said county in gold coin of the United States; shall bear interest at ^{Bonds to be issued.} the rate of ten per cent per annum, payable in like gold coin, at the office of the said Treasurer upon presentation, at or after maturity of the proper interest coupon therefor; and for each installment of interest to become due upon said bonds, interest coupons shall be attached, each giving the number of the ^{Interest.} installment and the number of the bond to which it is attached. Said bonds shall express upon their face that they are issued under the provisions of this Act, and are payable out of the Road Bond Fund of the county; and the faith of the county shall be and is hereby pledged, that funds for the payment of ^{Coupons.}

the principal and interest thereof shall be raised by taxation upon all the taxable property situate in said county as in this Act provided. Each of said bonds shall be signed by the President of the Board of Supervisors and by the County Treasurer, and attested by the Clerk of the Board of Supervisors under the seal of the county; and each of the coupons attached thereto shall be signed by the County Treasurer.

Money
credited to
Township
Road Fund

SEC. 2. The County Treasurer shall receive said bonds, and placing ten thousand dollars thereof to the credit of the Township Road Fund of each of the several townships in said county, hold the same subject to the order of the Board of Trustees of said townships respectively. Whenever, thereafter, the County Treasurer shall receive from the Board of Trustees of any township an order to convert the whole or any part of the bonds standing to the credit of such township into money, he shall convert the amount so ordered into coin, charging the said Township Road Fund with the amount of bonds so converted, and crediting it with the moneys realized therefrom; *provided*, however, that none of said bonds shall be sold at less than ninety-five cents on the dollar of the face of said bond and accrued interest; and if any are sold at less than par with accrued interest, it shall only be to the highest bidder, after giving ten days notice, by publication in some daily paper published in the City of San Francisco, of the time and place when and where bids therefor will be received. The words "accrued interest," as herein used, shall be construed to mean the interest which has accrued upon coupons not yet matured. If, at the time of the sale of any said bonds, any of the coupons attached thereto shall have fully matured, such coupons shall be detached from said bonds and canceled, in the manner hereinafter provided, and only the interest upon coupons then running, but not yet matured, shall be calculated in making such sales. Immediately after the sale of any bonds he shall make and file with the County Auditor, a statement, verified by his oath, or the oath of the person who made the sale for him, of the amount and number of the bonds sold and the price realized therefor. And said Treasurer shall also certify to the Trustees of the township on whose account such sale was made, the amount of bonds sold and the amount of money realized therefrom.

Accrued
interest.

Taxes.

SEC. 3. At the time of making the levy of taxes for general county purposes in said County of San Mateo, in the year eighteen hundred and seventy-two, and in each of the four succeeding years, the Board of Supervisors of said county shall, in addition to the other road taxes levied for said county, levy a special tax upon all the taxable property situate therein, to be called the Road Bond Tax, and to be collected like other taxes, and paid into the County Treasury to the credit of the Road Bond Fund, sufficient to pay the interest falling due in each year on all outstanding bonds issued under this Act. At the time of making such levy in each of the next succeeding ten years such special tax shall be levied by said Board of Supervisors upon all the property situate and taxable in said county, sufficient in amount to pay the interest so falling due in each

year, and also one tenth of the principal sum of all the bonds so issued, as aforesaid.

SEC. 4. The special tax provided for in the foregoing sections shall be collected as other taxes in said county, and paid into the County Treasury to the credit of the Road Bond Fund, and shall be applied as herein provided and not otherwise; to wit: First, to the payment of interest on the bonds issued under this Act. Second, whenever after five years from the date of said bonds there shall be in the said Fund an amount of money, over and above the sum required for interest for the current year, equal to one tenth or more of the bonds issued under this Act, such amount shall be applicable to the redemption of bonds issued hereunder. The County Treasurer shall publish a notice in one paper published in said county, and in at least one daily paper published in the City of San Francisco, for the period of twenty days, stating the amount of money held by him applicable to that purpose, and requesting sealed proposals for the surrender of bonds therefor. On the day named in said notice, at or after the expiration of said twenty days, the County Treasurer and County Auditor shall open such proposals as may have been made, and the money on hand so applicable thereto shall be immediately applied to the extent thereof, to the redemption of such bonds as are offered to be surrendered at the lowest rate; *provided*, that not more than par value, with interest already accrued and unpaid, shall be allowed. And whenever the principal sum on any bond is paid, whether the same be redeemed at or below par, the bond and all its coupons for interest not yet accrued must be surrendered. No interest shall ever be paid without the surrender of the proper interest coupon therefor. If no bonds are offered at or below the par value thereof, with the accrued and unpaid interest thereon, the County Treasurer shall immediately advertise in the same papers and for the same length of time as before, for the return to his office of so many of the bonds as the funds on hand and applicable thereto will pay at par with accrued unpaid interest thereon, designating by numbers the bonds to which the Fund will be applied, commencing with the lowest numbered outstanding bond, and taking them up in consecutive order. The Fund in hand, or so much thereof as may be necessary, shall be set apart to the redemption of the bonds so advertised, and shall be used for no other purpose whatever. At any time thereafter, upon surrender of any bonds so advertised with all the unpaid coupons belonging thereto, the same shall be paid, but no interest shall be allowed thereon for any time after the expiration of thirty days from the date of the first publication of the last named notice. Bonds so designated and called in shall cease to draw interest at the expiration of said period of thirty days, anything in the bond, the coupon attached, or in this Act to the contrary notwithstanding. As often as the Fund shall be sufficient therefor, as in this paragraph provided, the same course shall be pursued until all the bonds issued under this Act have been redeemed. And upon the final redemption of all the bonds and interest coupons due, any balance that may be in said special Fund shall be paid in equal proportions into the Road Funds of the several townships of

Applica-
tion.

Notice of
surrender
of bonds.

Cease to
draw
interest.

the county, the special tax shall no longer be levied, and the account of the Road Bond Fund shall be closed.

Canceled
bonds.

SEC. 5. Immediately upon the surrender of any bond or interest coupon issued under this Act, to the County Treasurer, he shall cancel the same, and on the first Monday in each month return to the County Auditor all canceled bonds or coupons in his possession. The County Auditor shall make a record of the numbers of the bonds and coupons which have been so returned to him, and at each regular meeting of the Board of Supervisors shall deliver to them all the canceled bonds and coupons in his possession. The Board of Supervisors shall cause a record to be made of the fact of surrender, giving the number of the bonds and coupons, and shall thereupon cause the same to be destroyed in the presence of the Board, and a record made of that fact also.

Record.

How
expended.

SEC. 6. The Trustees of each of said townships may expend the moneys raised under this Act and credited to their several townships, for the opening, construction, and improvement of highways, in the manner provided by and subject to the provisions of the road laws of said county.

Compensation.

SEC. 7. The County Treasurer, for the duty of signing and converting the bonds and coupons provided in this Act, may be allowed such compensation as may be fixed by the Board of Supervisors, to be paid out of the funds realized hereunder, and not otherwise, and to be charged pro rata to the several townships for which the Fund is raised.

Repealing.

SEC. 8. The Act entitled "An Act to provide funds for the construction and improvement of highways in the County of San Mateo," approved April fourth, eighteen hundred and seventy, is hereby repealed.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXXV.

An Act to change the name of the Front Street, Mission, and Ocean Railroad Company.

[Approved March 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Changing
corporate
name.

SECTION 1. The corporate name of the corporation heretofore known as the "Front Street, Mission, and Ocean Railroad Company," is hereby changed to the "Sutter Street Railroad Company;" and said corporation shall hereafter be known by the latter name.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXXVI.

An Act creating the Nineteenth and Twentieth Judicial Districts, and defining the Third, Fourth, Twelfth, and Fifteenth Judicial Districts.

[Approved March 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Twentieth Judicial District shall be composed of the Counties of Monterey, Santa Cruz, and Santa Clara. Twentieth
Judicial
District.

SEC. 2. The Third Judicial District shall be composed of the County of Alameda and all that portion of the City and County of San Francisco described as follows: Commencing at the eastern boundary line of said city and county, at a point in a line with the center of Market street; thence southerly along the center line of Market street to its intersection with the easterly line of Kearny street; thence northerly along said eastern line of Kearny street to the center of California street; thence easterly along the center line of California street to the northerly line of Market street; thence easterly along the northerly line of Market street and in the same course to the eastern boundary of said city and county; thence southerly along said eastern boundary of the City and County of San Francisco to the place of commencement. Third
Judicial
District.

SEC. 3. The Fifteenth Judicial District shall be composed of the County of Contra Costa and all that portion of the City and County of San Francisco described as follows: Commencing at a point in the eastern boundary line of said city and county where the northern line of Market street protracted intersects the same; thence southwesterly and along the northern line of Market street to the center of California street; thence westerly and along the center of California street to the eastern line of Kearny street; thence northerly along the eastern line of Kearny street to the south line of the City Hall or Court House; thence easterly along the south line of said building to the southeast corner thereof; thence northerly along the east line of said building and in the same direction to a point eight inches north of the north line of said building; thence westerly and parallel with the north line of said building to the center of Kearny street; thence northerly and along the center of Kearny street to the northern boundary of said city and county; thence easterly and southerly along the boundary of said city and county to the place of beginning. Fifteenth
Judicial
District.

SEC. 4. The Nineteenth Judicial District shall be composed of all that portion of the City and County of San Francisco described as follows: Commencing at a point in the center of Market street in a line with the center of Larkin street; thence running northerly and along the center of Larkin street to a point in the center of Washington street; thence easterly and along the center of Washington street to the center of Kearny street; thence southerly along the center of Kearny street to Nineteenth
Judicial
District.

the center of Market street; thence southwesterly along the center of Market street to the place of commencement.

Fourth
Judicial
District.

SEC. 5. The Fourth Judicial District shall be composed of all that portion of the City and County of San Francisco described as follows: Commencing at the western boundary of said city and county at a point in a line with the center of Ridley street; thence easterly and along the center of Ridley street to the center of Market street; thence northeasterly and along the center of Market street to a point in a line with the center of Larkin street; thence northerly along the center of Larkin street to the center of Washington street; thence easterly along the center of Washington street to the center of Kearny street; thence southerly along the center of Kearny street to a point in a line with the north side of the City Hall or Court House; thence easterly to and along the northern line of the City Hall or Court House, sixty-five feet from the eastern line of Kearny street; thence southerly at a right angle to the south line of said City Hall or Court House; thence at a right angle easterly along the south line of said building to the east line thereof; thence northerly along said east line of said building to a point eight inches north of the north line of said building; thence at a right angle westerly to the center of Kearny street; thence northerly along the center of Kearny street to the northern boundary of said city and county; thence westerly along the northern boundary and southerly along the western boundary of said City and County of San Francisco to the place of commencement.

Twelfth
Judicial
District.

SEC. 6. The Twelfth Judicial District shall be composed of the County of San Mateo and all that portion of the City and County of San Francisco described as follows: Commencing at the western boundary of said city and county at a point in a line with the center of Ridley street; thence running easterly in a line with and through the center of Ridley street to the center of Market street; thence easterly along the center of Market street to a point in a line with the center of Kearny street; thence northeasterly along the center of Kearny street to a point in a line with the northern side of the City Hall or Court House; thence easterly and along the northern line of the City Hall or Court House to a point sixty-five feet from the eastern line of Kearny street; thence at a right angle southerly to the southern line of the City Hall or Court House; thence along the southern line of that building to the eastern line of Kearny street; thence southerly along the eastern line of Kearny street to the center of Market street; thence northeasterly along the center of Market street to the eastern boundary of the City and County of San Francisco; thence southerly along said eastern boundary and westerly along the southern boundary and northerly along the western boundary to the place of commencement.

District
Judges.

SEC. 7. The District Judges of the Third, Fourth, Twelfth, and Fifteenth Judicial Districts as herein defined shall continue to be the respective Judges of said Districts until the expiration of their respective terms of office.

SEC. 8. The Governor shall appoint, immediately after the passage of this Act, some suitable persons as District Judges of

the Nineteenth and Twentieth Judicial Districts, respectively, who shall hold their respective offices until the election and qualification of their successors at the next special judicial election. Appointment of Judges.

SEC. 9. The District Judge of the Twentieth Judicial District shall receive the sum of five thousand dollars per annum, and the District Judge of the Nineteenth Judicial District shall receive the sum of six thousand dollars per annum, which respective salaries shall be payable at the same time and in the same manner as the salaries of other District Judges are paid. Salaries.

SEC. 10. The County Clerk of the City and County of San Francisco shall be ex officio Clerk of the District Court of the Third Judicial District in and for said city and county, and also ex officio Clerk of the District Court of the Nineteenth Judicial District, and is hereby authorized to appoint one Register Clerk and one Court-room Clerk for each of said Courts, each of whom shall receive a salary of one hundred and seventy-five dollars per month; also, one additional Copying Clerk, who shall receive a salary of one hundred and fifty dollars per month. Such salaries shall be paid in the same manner as the salaries of other Deputies of said County Clerk. Clerks.
Compensation.

SEC. 11. The Sheriff of said City and County of San Francisco is hereby authorized to appoint two Deputies, in addition to those now appointed by him, who shall act as Bailiffs or Deputy Sheriffs of said Third and Nineteenth District Courts in and for the City and County of San Francisco, who shall each receive a salary of one hundred and fifty dollars per month, to be paid in the same manner as other Deputies of said Sheriff are paid. Deputy Sheriffs.
Compensation.

SEC. 12. Suits brought and matters pending in the District Court in the Counties of Monterey, Santa Cruz, and Santa Clara shall be heard and determined in the District Court of the Twentieth Judicial District, in and for said counties respectively, as if such matters had been commenced in the District Court of that district, and the process of said District Court shall be effectual for all purposes as if the same were issued from the District Court of the Third Judicial District; and the records of the District Court of the Third Judicial District in and for said Counties of Monterey, Santa Cruz, and Santa Clara, shall remain the records and papers of the Twentieth Judicial District Court. Transfer of suits.

SEC. 13. The terms of the District Court of the Twentieth Judicial District shall commence as follows: In the County of Santa Clara on the first Monday of January, May, and September of each year; in the County of Santa Cruz on the second Monday of February, June, and October of each year; in the County of Monterey on the third Monday of March, July, and November of each year. Terms.

SEC. 14. The terms of the District Court of the Third Judicial District shall commence as follows: In the County of Alameda on the third Monday of February, June, and October of each year; in the City and County of San Francisco on the third Monday of April, August, and December of each year. Same.

Same. SEC. 15. The terms of the District Court of the Nineteenth Judicial District shall commence on the second Monday of April, August, and December of each year.

SEC. 16. This Act shall take effect immediately.

CHAPTER CCXXVII.

An Act to prevent hunting and shooting on private inclosed grounds, and the destruction of growing timber on private grounds in certain counties in this State.

[Approved March 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Poaching prohibited. SECTION 1. It shall not be lawful for any person or persons to enter upon any inclosed lands belonging to or occupied by another for the purpose of hunting with dogs, or to shoot, kill, take, or destroy any kind of game, or to enter upon private lands, whether inclosed or not, for the purpose of felling or destroying trees to extract honey or other purposes, without first having obtained permission from the owner or agent of such owner or possessor.

Penalties. SEC. 2. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall be punished upon conviction by a fine of not less than ten (10) dollars nor more than two hundred (200) dollars, or imprisonment in the County Jail for a term of thirty days, or by both such fine and imprisonment.

Act applying. SEC. 3. This Act shall apply only to the Counties of Alameda, San Mateo, Marin, San Bernardino, San Diego, Colusa, Sacramento, Sonoma, Nevada, Humboldt, Los Angeles, Santa Barbara, Contra Costa, and San Luis Obispo.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCXXVIII.

An Act to increase the number of Notaries Public in the County of Plumas.

[Approved March 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Additional Notary. SECTION 1. The Governor is hereby authorized to appoint an additional Notary Public for the County of Plumas, who shall

reside at Mohawk Valley, and shall hold office for two years, and until his successor is appointed and qualified.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXXIX.

An Act to define the northern boundary line of Napa County, adjoining Lake and Yolo Counties.

[Approved March 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The northern boundary line of Napa and the southeasterly boundary line of Lake Counties shall commence at the highest point of the Mount St. Helena; thence running in an easterly direction along the present boundary line between said counties to the Buttes Cañon Road; thence northeasterly in a direct line to the junction of Jericho and Putah Creeks; thence up Jericho Creek to the junction of Hunting Creek, in Jericho Valley; thence up Hunting Creek to a large pile of rocks on the southeasterly side of the county road, at the lower and most easterly end of Hunting Valley; thence in a straight line in the direction of the intersection of Bear and Cache Creeks to the county line of Yolo County; thence along the line of Yolo County in a southeasterly direction to the present county line dividing Yolo and Napa Counties. Boundary lines.

SEC. 2. The Board of Supervisors of Napa County shall order paid the claim of Lake County for the sum of thirty-five hundred dollars, and the Auditor of said County of Napa shall draw a warrant for the same on the Treasurer of the said county, payable from the General Fund, and the Treasurer of Napa County shall pay the same. Claim to be paid.

SEC. 3. All Acts or parts of Acts in conflict with this Act Repealing. are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCXXX.

An Act to authorize the corporate authorities of the Town of Santa Clara to take and hold in trust and convey certain lands.

[Approved March 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority
to hold in
trust and
convey
certain
lands.

SECTION 1. WHEREAS, the Congress of the United States has by an Act thereof entitled "An Act to quiet title to land in the Towns of Santa Clara and Petaluma, in the State of California," approved March first, eighteen hundred and sixty-seven, has, among other things, relinquished and granted all the right and title of the United States to the land situated within the corporate limits of said Town of Santa Clara to the corporate authorities of said town, and their successors in trust, for and with authority to convey so much of said land as was at the date of said Act in the bona fide occupancy of parties by themselves or tenants, to such parties; now therefore, in order to more effectually carry out the provisions of said trust, the Board of Trustees of the Town of Santa Clara, and their successors in office, are hereby declared to be the corporate authorities of the Town of Santa Clara, named in said Act of Congress, for the purposes of holding the legal title to the lands mentioned in said Act within the corporate limits of the said Town of Santa Clara, and of executing said trust in reference thereto.

Power of
Trustees
to convey.

SEC. 2. Said Board of Trustees, on application of any person entitled to the benefits of said trust, shall, by resolution entered on their minutes, direct the President of said Board to execute and deliver in the name of and for and on behalf of said Board, a deed of conveyance to such person, conveying to him all the title, legal and equitable, acquired by the corporate authorities of said town under said Act of Congress, in and to the lands to which he may be so entitled. And the President of said Board of Trustees shall thereupon execute, acknowledge, and deliver for and on behalf of said Board such deed of conveyance to the person so applying therefor of the lands to which he may be so entitled. Such deed shall be prima facie evidence that the grantee therein named is the legal and equitable owner of the lands therein described.

Conflicting
claims.

SEC. 3. Said Board of Trustees shall have power to hear and determine, under such rules as it may prescribe, all claims and applications by any and all persons for lands under the provisions of said Act of Congress, and of conflicting claims between individuals for the same tract or tracts of lands; *provided*, such determination shall not prejudice any valid adverse right or claim to said lands or any part thereof, if such exist, nor preclude a judicial investigation and determination thereof, if the same shall be instituted within one year after the execution of the conveyance hereinbefore provided for.

CHAPTER CCXXXI.

An Act declaring a certain creek in Washington Township, Alameda County, navigable.

[Approved March 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby declared that a certain creek in the Township of Washington, Alameda County, California, running up to Warm Springs Landing, and connecting the waters of the Bay of San Francisco with said landing, is navigable and the same shall be kept free and open for the purposes of navigation forever. Creek declared navigable.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXXXII.

An Act to amend an Act entitled an Act to provide for the protection of certain lands in the County of Sutter from overflow, approved March twenty-fifth, eighteen hundred and sixty-eight.

[Approved March 8, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-one of the above entitled Act is hereby amended so as to read as follows:

Section 21. Whenever a petition shall be received by said Board of Supervisors from persons in possession of more than one half of the acres of any specified portion of said county, asking to be set apart and erected into a levee district, said Board shall at once erect such territory into a levee district and place it under the provisions of this Act, to be called Levee District Number One, Two, Three, and so on, as the case may be; *provided*, that the question of tax shall be submitted to the qualified electors of any district so erected; *provided*, that there shall be no district organized embracing land included in any organized district, without the consent of said district. Formation of districts.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXXXIII.

An Act supplementary to and amendatory of an Act entitled "An Act to provide for the building of a Court House and Jail in Marin County, and to repeal certain Acts," approved January eighteenth, eighteen hundred and seventy-two.

[Approved March 9, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of said Act is hereby amended so as to read as follows:

Court
House and
Jail at San
Rafael,
Marin
County.

Section 13. All moneys derived from the sale of said bonds shall be set apart as a Court House Building Fund, and shall be applied, laid out, and expended in the building and constructing of a Court House and Jail in the Town of San Rafael, in said Marin County, and the necessary county offices in and for said county, and furnishing the same. Said Board of Supervisors may erect said buildings either upon the lot known as the present Court House site, or upon any other lot or place selected by the Board of Supervisors as suitable or desirable for such purpose, not exceeding one half mile distance from said present Court House site; and the said Board are hereby authorized and empowered, in their discretion, to purchase in the name of the county and in the manner prescribed by law, any piece, parcel or parcels of land which they may deem necessary and proper for such purposes, and to pay for the same out of the said Court House Building Fund. And if the said Supervisors shall deem it best to have said Jail separate from said Court House, they may purchase in like manner any piece of land they may deem necessary for such purpose, or may use the present Court House site, and erect and construct a Jail thereon; and in the event the said Board shall not use the said present Court House site either for Court House or Jail purposes, they are hereby authorized to sell said site upon what, in the judgment of the Board, are the most advantageous terms to said county; and the proceeds arising from such sale, or so much as may be deemed advisable, may be expended in improving the Court House grounds selected by the Board; the remainder, if any, to go into the said Court House Building Fund.

SEC. 2. This Act shall take effect and be in force from and after its passage.

SEC. 3. All Acts and parts of Acts so far as they are in conflict herewith are hereby repealed.

CHAPTER CCXXXIV.

An Act to legalize, ratify, and confirm deeds of conveyance and grants of land made by the municipal authorities of the City of San Diego.

[Approved March 9, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All deeds of conveyance and grants of land in fee heretofore made for and on behalf of the City of San Diego and the inhabitants thereof, for a valuable consideration, and signed by the President and Trustees of said city—that is to say, by the full Board, with the regular corporate seal of the said President and Trustees affixed after such seal had been provided, are hereby legalized, ratified, and confirmed, and shall be deemed, held, and taken to convey a good and valid title in and to the premises therein specified to the person or persons named in such conveyance or conveyances as grantee or grantees, and to their heirs and assigns, to the extent of the interest purported or attempted to be conveyed, as fully and effectually as though such deeds of conveyance or grants of land had been made in strict accordance with a statute passed by the proper legislative authorities authorizing and directing the same; and *provided*, that this Act shall only apply to and affect deeds of conveyance and grants of land made prior to the twenty fourth day of November, A. D. eighteen hundred and seventy-one; and *provided* also, that this Act shall not extend to any tide or submerged lands situate upon or in the Bay of San Diego below ordinary high water mark.

Trustees
deeds to
lands in
San Diego
legalized.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCXXXV.

An Act to appropriate money for the contingent expenses of the Legislature.

[Approved March 9, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of forty-four thousand dollars is hereby appropriated out of any money in the General Fund of the State Treasury, not otherwise appropriated, for the following purposes, namely: twenty-nine thousand dollars for the contingent expenses of the Assembly, and fifteen thousand dollars for the contingent expenses of the Senate, for the nineteenth session of the Legislature.

Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXXXVI.

An Act to enable the City of Stockton to redeem its bonds falling due during the year eighteen hundred and seventy-three.

[Approved March 9, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Stockton
City bonds.

SECTION 1. The City of Stockton, by its Common Council, is empowered to issue bonds, not exceeding in amount the sum of one hundred and ninety-eight thousand dollars as hereinafter provided, for the purpose of redeeming the bonds of said city which become due during the year eighteen hundred and seventy-three.

Issuance,
interest,
and when
payable.

SEC. 2. Said bonds shall be numbered consecutively as issued, shall be signed by the Treasurer, and countersigned by the Mayor of said city in their official capacities, and shall have the seal of said city affixed, and shall bear interest from the date of issue at the rate of eight per cent per annum, payable semi-annually, on the first days of January and July in each year, upon coupons for such interest, signed by the City Treasurer of said city, and attached to said bonds; the amount of interest to become due on any fraction of time from date of issue, and the time for the first payment of interest being written upon the coupon representing that payment. The principal sum shall be made payable at a period not exceeding twenty years from date, and may be redeemed at any time after ten years from said date at the option of said city, and both principal and interest shall be made payable in gold coin of the United States at the Treasurer's office in said city.

Record.

SEC. 3. The Common Council shall cause a record to be kept of the issuing of said bonds, to whom delivered, amount, numbers, and such other facts as may be deemed needful, and of all bonds redeemed, and may make any and all needful orders for the issuing, delivery, custody, or negotiation of said bonds, or for the exchange, redemption, or rate, or manner of sale or exchange of bonds for any now outstanding, or any orders which may be needful or become so for the furtherance of the purposes of this Act, not inconsistent with its provisions.

Cancellation.

SEC. 4. All bonds redeemed under the provisions of this Act shall be canceled in writing across the face thereof, and returned and filed with the City Treasurer, and a report thereof be made to the Common Council.

Tax for
payment of
interest.

SEC. 5. The Common Council are hereby authorized upon the issuing said bonds, annually thereafter, in addition to the taxes now authorized by law, and at the time when taxes are levied for general city purposes, to levy a tax sufficient to pay the interest on said bonds for each year; and in the year succeeding the tenth year from the issuing said bonds, in addition to said sum necessary to pay said interest, a sum sufficient to raise an amount equal to five per cent of the whole amount of said bonds then outstanding shall be assessed; and on each of

the succeeding six years said additional tax shall be increased one per cent over the amount of each past year's assessment, and for the remaining time a rate shall be fixed each year which will pay the balance due of said bonds at the expiration of said twenty years. The Fund thus raised from year to year shall be known as the Old City Debt Sinking Fund; said taxes shall be levied and assessed as directed in and by an Act of the Legislature of the State of California, enlarging the limits of said City of Stockton, approved January twenty-six, eighteen hundred and seventy, and by the City Charter of said city approved April second, eighteen hundred and seventy; and be collected in the same manner as taxes are collected for general city purposes. The amounts when collected shall be paid into the City Treasury, and applied under the direction of the Common Council, first, to the payment of the interest on said bonds, and secondly to their redemption.

SEC. 6. Whenever, after ten years from the issuance of said bonds, said Sinking Fund shall amount to four thousand dollars, the Common Council may direct the City Treasurer to pay such an amount of said bonds as the money in his hands in said Fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for three weeks in some newspaper published in said city for sealed proposals for the redemption of said bonds; said proposals to be opened by said Council, in open session, at a time to be named in said notice, and the lowest bids for the surrender of said bonds shall be accepted; *provided*, that no bonds shall be redeemed at a sum above par value. Bids being equal, the lowest numbered bonds shall have the preference. If no offers are received, or not sufficient to exhaust the Fund, the Treasurer shall give notice, by publication in a newspaper published in said city, for six successive weeks, that on and after a day fixed therein he will pay and redeem the bonds of said city, commencing at the bond lowest in number then outstanding, and so on consecutively until the Fund is exhausted, giving the numbers of each bond so to be paid; after which time, for payment fixed in said notice, all such bonds so named shall cease to draw interest.

SEC. 7. Whenever any bonds or coupons authorized by this Act are paid they shall be canceled across the face and be filed in the City Treasurer's office, and report thereof made to the Common Council.

SEC. 8. This Act shall take effect from and after its passage.

CHAPTER CCXXXVII.

An Act to pay the expenses necessarily incurred in suppressing Indian hostilities in the Counties of Humboldt and Trinity in the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine.

[Approved March 11, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation to pay Indian war expenses.

SECTION 1. The sum of two thousand dollars of any money in the State Treasury not otherwise appropriated, is hereby appropriated and set apart to defray the actual and necessary expenses incurred and outlays made by citizens of Humboldt and Trinity Counties in suppressing Indian hostilities in said counties in the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, which said outlay and expenditures were made in equipping, supplying, and maintaining in the field a company under the command of Stephen Flemming.

Bond to be filed with Controller.

SEC. 2. At any time after the passage of this Act, whenever A. D. Bayliss, of Trinity County, shall file with the Controller of State a bond in the sum of four thousand dollars, conditioned for the faithful disbursement of the money hereby appropriated, which said bond shall be justified to by the sureties and approved by the County Judge of Trinity County, the said Controller shall draw his warrant in favor of the said A. D. Bayliss for the sum of two thousand dollars on the Treasurer of State, who shall, on the surrender of said warrant indorsed by said Bayliss, pay to him, said Bayliss, or to his order, the sum of two thousand dollars.

Payment of claims.

SEC. 3. On receipt of said money said Bayliss shall advertise for one month in the *Trinity Journal* for all persons having claims for money and supplies advanced to said Flemming and his company in suppressing said Indian hostilities, to present said claims to him with their proofs and vouchers in support of the same within three months after the first insertion of said advertisement. At the expiration of said three months said Bayliss shall proceed to audit and allow said claims as may be correct, either in whole or in part, and shall proceed to pay the same so far as said money will suffice therefor, and if not sufficient then he shall pay pro rata upon all claims allowed so far as said money will pay the same.

Report and vouchers.

SEC. 4. Said Bayliss shall, within six months after he draws the money from the State Treasury, file with the Controller of State a report of his doings and payments under this Act, together with his proofs and vouchers. For any misapplication of funds under this Act said Bayliss shall be liable upon his bond to the State of California to be recovered by suit under the direction of the State Controller.

Claims defined.

SEC. 5. Said Bayliss shall only pay the claims of those who contributed money, subsistence, forage, transportation, munition, or other necessary supplies to said Flemming or to the members

of his company under his direction while they were actually engaged in the field or preparing therefor.

SEC. 6. The Controller of State is authorized and required to preserve the proofs and vouchers relating to said payment by said Bayliss, filed in his office, so that the same may be used at any time hereafter in procuring reimbursement to the State from the Congress of the United States for the moneys hereby appropriated. Preservation of proofs.

SEC. 7. The amount appropriated by this Act shall be accepted as a final settlement of all claims arising from expenses incurred in suppressing Indian hostilities as recited in this Act.

SEC. 8. This Act shall take effect from and after its passage.

CHAPTER CCXXXVIII.

An Act to provide for the erection of a School House in Modesto School District, in the County of Stanislaus.

[Approved March 11, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Trustees of Modesto School District, in the County of Stanislaus, shall, within ninety days after the passage of this Act, cause to be advertised for at least twenty days in a weekly newspaper published in said county, a notice to receive plans and specifications for the erection and construction of a school house at Modesto in said district, the Board reserving to themselves the right to reject any and all plans and specifications presented by any architect for the building of said school house. School house at Modesto.

SEC. 2. The Board of Trustees of said school district shall, immediately after the acceptance of any plan and specification for the erection of said school house, cause to be advertised for at least twenty days in a weekly newspaper published in said county a notice to receive proposals and bids for the erection of said school house, in accordance with the plans and specifications which shall have been previously adopted by them, the Board reserving to themselves the right to reject any and all bids which in their judgment shall be too high in price, and shall let to the lowest responsible bidder or bidders the contract to build said school house, on condition that such contractor or contractors execute a good and sufficient bond in double the amount of his or their bids to erect said public building in a skillful and workmanlike manner, which bond shall be approved by the County Judge of said county. Proposals for construction.

SEC. 3. For the purpose of obtaining funds to erect said school house, the Board of Trustees of Modesto School District

Tax
authorized

shall, immediately after awarding the contract to any person or persons to build said school house, levy and assess a tax, not to exceed five thousand dollars, on all the real and personal property in said school district; *provided*, that the rate of taxation so levied and assessed shall not exceed ninety-five cents on each hundred dollars worth of taxable property in said district.

Election of
Assessor
and
Collector.

SEC. 4. The Board of Trustees of said district shall, immediately after levying the tax mentioned in the last preceding section, order an election to be held in said district for the election of an Assessor and Collector, after giving at least thirty days notice by advertising the same in a weekly newspaper published in said county, designating therein the time and place of holding such election for said district officers. Any qualified elector who has been a bona fide resident of said district one month next preceding his election may be chosen to fill both offices; *provided*, that no person shall be entitled to vote at such election unless he shall be a registered voter of said county and enrolled on the poll list of said district thirty days before such election. The Board of Trustees of said district shall appoint three Judges to enroll the votes of said district and to conduct the election, which shall be held in all other respects in conformity with the general election laws. The ballots shall be either written or printed, and contain the name of one person as Assessor; also, the name of one person as Collector, at such election; *provided*, that one person may be chosen to fill both offices if he shall receive a plurality of all the votes cast for each of said offices. The Judges of said election shall certify to the Board of Trustees the name of the person or persons receiving a plurality of all the votes for each office at such election. The Board of Trustees of said district shall, on the reception of said election returns, issue certificates of election to the person or persons receiving a plurality of all the votes cast for each of said offices. The Assessor and Collector shall each execute a bond in the sum of three thousand dollars before entering upon the discharge of their duties, which bond shall be approved by the County Judge of said county, and they shall each take the oath of office prescribed by law.

Official
bonds.

Duties of
Assessor.

SEC. 5. The Assessor of said district shall, within ten days after receiving his certificate of election, qualify and enter upon the discharge of the duties of said office, and immediately thereafter enroll upon an assessment roll, to be furnished by the Board of Trustees, all the real and personal property in said district, in the same manner as State and county taxes are assessed under the provisions of the General Revenue Act, approved May seventeenth, eighteen hundred and sixty-one, and the several Acts amendatory and supplementary thereto, and return said assessment roll, properly certified to by said Assessor, to the Board of Trustees of said district, within sixty days after receiving said assessment roll. The Board of Trustees of said district shall, on receiving said assessment roll duly certified to by said Assessor, proceed to equalize the taxes thereon, after giving at least five days notice by posting the same in three public places in said district, and they shall continue in session for the period of three days.

Equali-
zation.

SEC. 6. The Board of Trustees of said district shall immediately after completing the equalization of the taxes on said assessment roll, deliver the same to the District Collector, who shall proceed to collect said taxes in the manner provided by law for the collection of State and county taxes; and if all the taxes on said assessment roll are not paid to him within sixty days after receiving said assessment roll, return the same to the Board of Trustees, properly certified to by said Assessor. The Collector shall pay over all moneys received by him to the County Treasurer of said county, taking duplicate receipts therefor, one of which he shall file with the Board of Trustees.

Collection
of taxes.

SEC. 7. The Board of Trustees of said district shall, on the reception of said assessment roll, duly certified to by said Collector, showing delinquent taxes thereon, deliver the same to the District Attorney of said county, who shall immediately commence action for the collection of said delinquent taxes in any Court of competent jurisdiction in said county, and shall receive the same fees for said services as are allowed by law for the collection of State and county taxes. The assessment roll, properly certified to by the Assessor and Collector, shall be prima facie evidence in any Court to show the assessment and delinquency of the taxes thereon.

Delin-
quents.

SEC. 8. The Assessor and Collector shall each receive a compensation not exceeding five dollars per diem for every day necessarily spent in the discharge of their duties, and the amounts shall be fixed by the Board of Trustees and paid out of the moneys collected for said taxes.

Compen-
sation of
officers.

SEC. 9. The District Attorney of said county shall give his opinion to the Board of Trustees, Assessor, and Collector, in relation to their duties under the provisions of this Act, whenever required of him by any of said officers, and shall superintend the levying, assessing, equalizing, and collection of said taxes.

District
Attorney.

SEC. 10. The Board of Trustees of said district shall not receive said school house unless it shall appear to their satisfaction that said building is constructed in a skillful and workmanlike manner, and in strict conformity with the contract made and entered into by said Board of Trustees on behalf of said district and said contractor or contractors.

Com-
pletion.

SEC. 11. The County Treasurer of said county shall pay out all moneys received by him under the provisions of this Act, upon the warrant of the Superintendent of Common Schools of said county, countersigned by the Auditor of said county.

County
Treasurer.

SEC. 12. The Board of Trustees of said district shall employ a skillful attorney to draw up the contract for the building of said school house, who shall receive a compensation for said services not to exceed twenty dollars.

Contract.

SEC. 13. Each and every officer who shall neglect or refuse to perform any or all of the duties required of him by this Act shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not less than one hundred dollars and not to exceed one thousand dollars, and removed from office.

Conditional
penalties.

SEC. 14. This Act shall repeal all Acts and parts of Acts in conflict herewith.

SEC. 15. This Act shall take effect immediately.

CHAPTER CCXXXIX.

An Act to fix the salary of the Superintendent of Common Schools in the County of Monterey.

[Approved March 11, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Salary.** SECTION 1. The Superintendent of Common Schools of the County of Monterey shall receive a salary of eight hundred dollars per annum, payable out of the County General Fund.
- Repealing.** SEC. 2. An Act entitled "An Act to regulate the fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto," approved March fifth, eighteen hundred and seventy, so far as the same applies to the amount of compensation of the Superintendent of Common Schools in the County of Monterey, is hereby repealed.
- SEC. 3. This Act shall take effect immediately.

CHAPTER CCXL.

An Act supplementary to an Act entitled "An Act to define and establish the boundary line between the Counties of Inyo and Mono," approved March twenty-eighth, eighteen hundred and seventy.

[Approved March 11, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Treasurer of Mono County.** SECTION 1. The County Treasurer of Mono County shall, within thirty days after the passage of this Act, notify the County Superintendent of Common Schools of Mono County, or, if there be no County Superintendent of Common Schools elected and qualified, he shall notify the County Clerk of said county, of the amount of State School Fund or any other Fund subject to apportionment on the twenty-eighth day of March, eighteen hundred and seventy.
- Apportionment of school moneys.** SEC. 2. The County Superintendent of Common Schools of Mono County, when notified by the County Treasurer of the amount belonging to the School Fund on the twenty-eighth day of March, A. D. eighteen hundred and seventy, shall, within ten days from said notice, apportion all the school moneys of Mono County to the several school districts in accordance to law, and as said school districts were known and defined on the twenty-eighth day of March, A. D. eighteen hundred and seventy; and shall notify the Treasurer of Mono County of said apportion-

ment, as also the respective school districts entitled to money from said apportionment.

SEC. 3. Immediately after the apportionment of said School Fund the County School Superintendent shall draw his warrant on the Treasurer of Mono County, payable to the Treasurer of Inyo County, for the respective sums due the Bishop Creek and Round Valley School District. Transfer to Inyo County.

SEC. 4. If there be no County Superintendent of Common Schools elected and qualified for said Mono County, then the County Clerk of said county shall act ex officio as County Superintendent of Common Schools, as by the terms of an Act to authorize the County Clerk of Mono County to act as County Superintendent of Common Schools, approved February thirteenth, eighteen hundred and sixty-eight; and said County Clerk, acting ex officio as County Superintendent of Common Schools, shall do and perform all the duties required of the County School Superintendent in this Act. Alternative provision.

SEC. 5. The County Treasurer of Inyo County, on receipt of the school moneys belonging to the Bishop Creek and Round Valley School Districts, shall credit said school districts with the respective amounts due each. Final credits.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXLI.

An Act to provide for the payment of certain coupons upon bonds of the State of California that have been lost.

[Approved March 11, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Treasurer is hereby directed to pay to Hickox & Spear, of San Francisco, the sum of two hundred and ten dollars (\$210), being the amount of coupons number twenty-five, due January first, eighteen hundred and seventy-one, upon civil bonds of the State of California, numbered respectively twelve hundred and thirty-two, fifteen hundred and sixty-nine, and fifteen hundred and seventy, which said coupons were each for the sum of seventy dollars, and have been lost; *provided*, that said payment shall not be made until said Hickox & Spear shall execute and deliver to said Treasurer an undertaking, approved as to form and sufficiency by the Attorney General, to the effect that they will at all times hereafter protect and save harmless the people of the State of California against said coupons, and against all persons lawfully claiming them or either of them, and against all damages or expense for or on account thereof. Payment of lost coupons authorized

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCXLII.

An Act to amend an Act entitled an Act concerning forcible entries and unlawful detainers, and to repeal all other Acts on the same subject, approved April twenty-seventh, eighteen hundred and sixty-three.

[Approved March 11, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of said Act is hereby amended so as to read as follows:

Complaint
and
summons.

Section 9. Upon filing with the County Clerk of the proper county a complaint duly verified, the Clerk shall, at the request of the plaintiff or his attorney, issue a summons thereon directed to the defendant, requiring him to appear and answer in said action within three days after service of summons. The summons shall be served by delivering a copy thereof upon the occupant of the premises described in the complaint, or by leaving such copy on the premises in a conspicuous place. Any

Demurrer.

demurrer or other objection filed before answer may be heard on one day's notice, and a copy of any pleadings filed by the defendant shall be served on the same day upon the plaintiff or his attorney. If the demurrer be filed on the day for answering, it shall be heard at once, or not later than ten o'clock A. M. of the next day. If the demurrer be overruled the defendant

Answer.

shall answer on the same day; if it be sustained the plaintiff shall file an amended complaint within three days thereafter, and the defendant shall answer the same within three days after the service upon him or his attorney of a copy of the same; the answer shall be verified and shall contain a specific denial of each material allegation of the complaint. At ten o'clock A. M. on the day after the expiration of the time within which the defendant should answer the original complaint of plaintiff, the County Judge shall attend at the County Court room and open Court, and if the defendant shall have failed to answer or demur to the complaint, he shall upon satisfactory proof thereof order such judgment as shall be just in the premises. If the defendant shall have answered or demurred,

Trial.

the Judge shall set a day for the trial of the action, which shall be within not more than two weeks from the day of service of the summons. If a jury shall have been demanded in writing, he shall order the Clerk to issue a venire for a special trial jury to be summoned for the day fixed by the Court. The jury shall be summoned in the same manner and possess the qualifications and be subject to the same challenges as provided in section twenty-eight of an Act entitled "An Act concerning grand and trial juries," approved April twenty-seventh, eighteen hundred and sixty-three. All proceedings other than the trial of the cause may be heard in chambers, or in open Court. If a jury be demanded, the demand shall be in writing, filed at the time of the issuance of the summons, if demanded by the plaintiff, or at the time of filing the answer or demurrer if demanded by

the defendant, and shall specify the number, not less than three, demanded. If the parties disagree as to the number of the jury, the Court shall determine the same. The demand in all cases shall be accompanied by the proper jury fee, otherwise a jury trial shall be deemed to have been waived.

SEC. 2. This Act shall take effect and be in force thirty days after its passage.

CHAPTER CCXLIII.

An Act to amend an Act entitled an Act relating to criminal prosecutions, approved April second, eighteen hundred and sixty-six.

[Approved March 11, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the above entitled Act is hereby amended so as to read as follows:

Section 1. In the trial of or examination upon all indictments, complaints, and other proceedings before any Court, Magistrate, Grand Jury, or other tribunal, against persons accused or charged with the commission of crimes or offenses, the person so accused or charged shall, at his own request, but not otherwise, be deemed a competent witness; the credit to be given to his testimony being left solely to the jury, under the instructions of the Court, or to the discrimination of the Magistrate, Grand Jury, or other tribunal before which such testimony may be given.

Defendants
may testify
before
Grand
Jury.

CHAPTER CCXLIV.

An Act respecting the limitation of actions.

[Approved March 11, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Where bankers' certificates of deposit have heretofore been given to any party since deceased and not found until after administration of his or her estate, an action may be maintained thereon by the heirs or legal representatives at any time within six months after such finding.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCXLV.

An Act authorizing the Board of Supervisors of Tuolumne County to levy a special tax to pay certain bonds against said county.

[Approved March 11, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special tax
in
Tuolumne
County.

SECTION 1. The Board of Supervisors of Tuolumne County are hereby authorized and it is made their duty to levy for the year one thousand eight hundred and seventy-two, in addition to the other taxes authorized by law, a special tax of sixty cents on each one hundred dollars value of taxable property in said county, for the purpose of paying the Sonora and Mono road bonds outstanding against said county; which tax shall be levied at the same time and collected in like manner as other county taxes are levied and collected, and when collected it shall constitute a part of the Sonora and Mono Road Fund of said county, and shall be used solely for the payment of said bonds and the accruing interest thereon.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXLVI.

An Act to authorize the Board of Supervisors of Sutter County to build and furnish a Court House and Jail at the county seat of said county, and to provide a Fund therefor.

[Became a law by operation of the Constitution, March 12, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Court
House
Fund.

SECTION 1. The Board of Supervisors in and for Sutter County, are hereby authorized and directed to levy and cause to be collected, in the same manner and at the same time that State and county taxes are authorized to be levied and collected in said county, an ad valorem tax of not exceeding fifty cents on each one hundred dollars of taxable property in said county, payable in gold and silver coin, for the purpose of creating a special Fund, to be denominated the "Court House Fund." Said Fund is to be used by said Board in erecting and furnishing a Court House and Jail in said county, and for no other purpose.

Transfer
of money.

SEC. 2. The Treasurer of Sutter County is hereby authorized and required to transfer within thirty days after the passage of this Act, twenty thousand dollars of the money now in the Fund known as the "Swamp Land Fund" of said county,

into the Fund hereby created and denominated the "Court House Fund."

SEC. 3. The Board of Supervisors of Sutter County are hereby authorized and directed to use the moneys transferred by the preceding section or so much thereof as may be necessary, exclusive of any amount that now is or may hereafter be in said "Court House Fund," in erecting and furnishing a Court House and Jail at the county seat of said county. Expenditure.

SEC. 4. The Treasurer of Sutter County is hereby authorized and required to transfer the first and all moneys collected under the provisions of this Act, into the Swamp Land Fund of Sutter County, until the said Swamp Land Fund is fully reimbursed. Repayment.

SEC. 5. Whenever the said twenty thousand dollars shall have been returned to said Swamp Land Fund and said Court House and Jail shall have been completed, and furnished and paid for, this Act shall cease and be of no effect. Operation of Act.

SEC. 6. An Act entitled an Act to authorize the Board of Supervisors in and for Sutter County to levy a special tax for the repair of the Court House of said county, approved March the third, eighteen hundred and sixty-two, is hereby repealed. Repealed.

SEC. 7. This Act shall take effect from and after its passage.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twelfth day of March, A. D. eighteen hundred and seventy-two.

DRURY MELONE,
Secretary of State.

CHAPTER CCXLVII.

An Act to raise revenue in Plumas County for Hospital and other purposes.

[Approved March 12, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every able-bodied inhabitant of Plumas County, over twenty-one years of age (Indians excepted), shall pay a poll tax of one dollar for County Hospital purposes. Poll tax.

SEC. 2. The County Auditor shall prepare receipts for said tax, sign and deliver the same to the Tax Collector of said county and charge him therefor, and said Collector shall collect said poll taxes at the same time and in the same manner State poll taxes are collected, and shall, on the first Monday of each month, pay the money collected thereon to the County Treasurer of said county. Collection.

SEC. 3. That a tax of not more than twenty-five cents on each one hundred dollars worth of taxable property in said Property tax.

county is hereby authorized to be levied and collected as other county taxes for hospital purposes.

Hospital
Fund.

SEC. 4. That all moneys collected under the foregoing provisions, and all money which may be apportioned to said county by the State of California for hospital purposes, shall go into the County Treasury and shall constitute the Plumas County Hospital Fund.

Buildings.

SEC. 5. The Board of Supervisors of Plumas County are authorized to purchase at or near the county seat a suitable lot and erect thereon by contract to the lowest bidder, suitable buildings for a County Hospital, said lot and buildings not to cost more than two thousand dollars, and to pay for the same out of the Building Fund of said county.

County
purposes
tax.

SEC. 6. A tax not to exceed one dollar and fifty cents on each one hundred dollars worth of taxable property in said county shall be levied annually for general county purposes. A tax not to exceed fifty cents on each one hundred dollars worth of taxable property in said county shall be levied for county school purposes; and a tax not to exceed forty cents on each one hundred dollars worth of taxable property in said county shall be levied for county road purposes.

SEC. 7. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXLVIII.

An Act concerning roads in the County of Butte.

[Approved March 12, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Highways.

SECTION 1. All the roads in the County of Butte shall be public highways, which are now used and have been so declared by the Court of Sessions or Board of Supervisors, or which may be declared such hereafter by the Board of Supervisors of said county.

Road dis-
tricts and
Overseers.

SEC. 2. Each Supervisor district in the County of Butte shall constitute one road district, and each road district shall have one Road Overseer, who may appoint one or more deputies, for whose conduct he shall be responsible. The County Supervisors shall be ex officio Road Overseers for their respective districts, and shall require of the Deputy Overseers a good sufficient bond to the county, conditional for the faithful discharge of their duty.

Road tax.

SEC. 3. The Board of Supervisors for said county shall levy annually, on or before the second Monday in May of each year, a tax of not less than ten cents or exceeding thirty cents on each one hundred dollars in value of taxable property as

assessed in the year in which such levy shall be made, and which tax shall be collected at the same time and in the same manner as the State and other county taxes, by the Treasurer, who shall receive as compensation therefor two per cent on the amount collected.

SEC. 4. All able-bodied male persons between the ages of twenty-one and fifty years, residents of said county, shall pay a poll tax of two dollars for the use of the Road Fund of the county; *provided*, the same be paid between the first Monday in March and the first Monday in August. But if said poll tax is not paid prior to the first Monday in August, it shall be three dollars. The road poll tax shall be collected by the Assessor of the county, who shall receive as compensation therefor ten per cent on the amount collected, and the payment thereof may be enforced in the same manner as by law provided for the collection of poll tax for State and county purposes.

SEC. 5. All work done on roads, and all bridges built or repaired in the County of Butte shall be done under contract awarded to the lowest responsible bidder, after at least five days public notice shall have been given, by posting notices in three public places in the district where the work is to be performed, calling for sealed proposals, and stating the amount and description of the work to be done or the materials to be furnished, and the time to be allowed for its completion, or a reference to specifications containing this information; *provided*, that when the cost of the work to be done or of the materials to be furnished shall not exceed the sum of twenty dollars, the Road Overseer may cause such work to be done or materials to be furnished without calling for sealed proposals; *provided* further, that the whole amount expended by any Road Overseer, not under contract as herein provided, shall not exceed the sum of two hundred dollars in any one fiscal year.

SEC. 6. The Road Overseer shall cause all public highways within their respective districts to be kept clear of all obstructions and in good repair, and cause banks to be graded, and bridges and causeways to be constructed and to be kept in good condition; and for the above named purposes they shall have full power to contract for such labor and materials as may be found necessary to accomplish the same, subject to the limitation contained in section seven of this Act.

SEC. 7. The Board of Supervisors shall, at their regular meeting in May of each year, make an estimate of the amount of moneys to be received in the Road Fund during the next fiscal year, and shall at said meeting appropriate the sum to be expended in each road district during that year, and the Road Overseers are authorized to expend the amounts appropriated to their respective districts in the manner directed by section five of this Act; *provided*, the Board of Supervisors at such meeting may leave unappropriated out of the moneys to come into the Road Fund the sum of two thousand dollars.

SEC. 8. Whenever any contract awarded under the provisions of this Act shall have been completed according to its terms, the Overseer awarding the same shall certify his acceptance and approval of the work done or materials furnished thereunder to the Auditor, who shall thereupon draw his war-

rant on the Treasurer, payable out of the Road Fund, for the amount due under each contract as certified by the Overseer.

Compensation of Overseers.

SEC. 9. Road Overseers shall, for each day that they may be actually and necessarily employed in supervising the roads in their respective districts, receive the sum of four dollars per day, to be paid out of the Road Fund; their claims for such services shall be in writing, specifying each several item under oath, and filed with the Auditor, who, together with the District Attorney, shall allow or reject the same in whole or in part.

Width of highways.

SEC. 10. All public highways hereafter laid out shall be not less than sixty feet nor more than eighty feet in width, and shall, so far as practicable, be laid out on the section lines of the United States Government survey; and where such roads shall be located through lands held under what is commonly known as Spanish or private grants, and through which no section lines have been run by the United States Government, then as near as practicable to where such section lines would have run had they been extended through such grants.

Abandonment.

SEC. 11. The Board of Supervisors shall have power to vacate or change the whole or any part of any public highway whenever the same shall have become useless or inconvenient.

Petitions relating to public roads.

SEC. 12. Applications for laying out, establishing, altering, or discontinuing any public highway shall be by petition, in writing, of not less than ten taxpayers of the district, to the Board of Supervisors at a regular meeting of said Board, and such petition shall accurately describe the beginning, general route, and termination of such highway. Applicants shall accompany their petition with an affidavit of one or more of the petitioners interested, which affidavit shall state that all the parties occupying or owning land along the line of the proposed road have been duly notified by a written or printed notice served on them or their agents personally, or left at their place of residence, of the time when and the place where the petition will be presented to the Board of Supervisors, and shall further state that said notice has been served at least ten days before the meeting of said Board at which the petition is to be presented; *provided*, that when any land is vacant, or where the owners thereof are unknown to the petitioners, it shall be sufficient that the affidavit states that a copy of such notice has been posted in some conspicuous place on such land at least ten days previous to the meeting of the Board at which the application is to be made.

County Surveyor and Viewers.

SEC. 13. The Board of Supervisors may, at the meeting designated in the preceding section, or at an adjourned meeting, receive, hear, and consider all evidence for and against the proposed road which may be presented. The Board of Supervisors shall, if they deem the proposed road or alterations necessary, direct the County Surveyor to make an accurate survey thereof, and may in their discretion appoint three disinterested persons to act as Viewers in connection with the County Surveyor, who shall, on a day to be fixed by said Board, and within ten days after their appointment, meet and run out the line of the proposed road, and hear and note all reasons that may be offered for and against the laying out and opening thereof. The Viewers shall, within a time specified in the order of the Board of

Supervisors appointing them, survey, view, and report to the said Board, over their several signature:

First—The feasibility of the proposed road or alteration.

Report.

Second—The necessity for such road or alteration.

Third—The probable costs thereof.

Fourth—The amount of damages that will be sustained by each person severally on account of the opening, establishing, or altering of such road; or, if they find that no damage is sustained by any person, they shall so report, with a recommendation that be or be not laid out; *provided*, that if the Viewers shall fail to comply with the law in any essential respect the Board of Supervisors may set aside their report, and may order another view to be had; the same in all respects as though no view had been made.

SEC. 14. The County Surveyor shall make an accurate survey and plat of the proposed location or alteration of the road, a description of which, together with a report of the character, quality, and quantity of land taken by the proposed road from the several owners or occupants on the route thereof, shall be returned to the Board of Supervisors within a time specified in the order for the survey, location, and view. Survey and plat.

SEC. 15. The Board of Supervisors may, if in their opinion the proposed location, alteration, or vacation of such road is not necessary for the public good, refuse to confirm the report of the Viewers, and may discontinue all proceedings in the premises, and may order the expenses which have accrued to be paid out of the County Road Fund of the district. Rejection.

SEC. 16. The Board of Supervisors shall, if they determine that the location, alteration, or vacation of any road is necessary for the public good, examine the Surveyor's and Viewer's reports, and appoint a meeting, at which they will assess the damages sustained by the parties affected by the location or alteration of the road; *provided*, that at the designated meeting the applicants for such location or alteration, or some one of them, shall file an affidavit with the Board of Supervisors that he or they have notified all owners, or occupants, or agents of land over which said proposed road is to pass, of the aforesaid designated time for assessing damages; such notice shall be either written or printed, and shall be served upon such owners, occupants, or agents at least five days before the day of the designated meeting to assess damages; *provided* further, that if the land over which such road is located be vacant, or if the owners thereof are unknown, then the affidavit shall state that such notice was posted in some conspicuous place on said land, at least five days previous to the day designated for assessing such damages. Notice of intention to owners or agents.

SEC. 17. The Board of Supervisors shall, at the meeting designated in section eight of this Act, or at some adjourned meeting of the time for holding which due notice shall be given, examine the County Surveyor, Viewers, reports made to them, and all witnesses or evidence that may be presented to them, both on the part of the owners, occupants, or agents of the land, and the applicants for the road, and shall estimate and assess the damages sustained by each person separately on Award of damages.

account of the location, opening, or alteration of any such road.

Appeal.

SEC. 18. In case any person or persons over or upon whose land said road shall be laid shall be dissatisfied with the damages awarded him or them by the Board of Supervisors, he or they shall, within ten days after the assessment and award by the Board, notify the President of said Board, in writing, that he or they will not accept the same. Thereupon the Clerk of said Board shall file all papers, documents, depositions, and reports relating thereto in the County Court of said county, and within ten days after the filing thereof in the County Court, the County Judge shall set a day for the hearing and determining the objections to the award of the Board. Such hearing may be had during any regular term of said Court, or before the Judge thereof at chambers. The day fixed for the hearing of such objections by said County Court, or the Judge thereof, shall not be less than fifteen nor more than thirty days after such papers, documents, depositions, and reports are filed in said Court. On the day set for such hearing, or on any subsequent day to which the same may be adjourned, the County Court or the Judge thereof shall hear evidence on the part of any owner, occupant, or agent of any land over which such road is laid, and also on the part of the applicants for such road, and of the Board of Supervisors, and of any party interested in or affected thereby. After hearing all the evidence that shall be presented, the County Court or the Judge thereof shall award and determine the amount of damages sustained by each owner, occupant, or agent of land over which such road may be laid, separately, and shall enter a decree or judgment therefor as in other cases. Unless the party claiming damages shall recover at least ten per cent more than was assessed and awarded by the Board of Supervisors he shall pay all costs of Court, otherwise the county shall pay the costs; *provided*, that if any claimant of such damages shall not notify the Board of Supervisors or the President thereof, within five days after the assessment of such damages by the Board, that he refuses to accept the same as assessed, then he shall be deemed to have assented thereto, and shall be barred from the aforesaid proceedings in the County Court or before the Judge thereof, and from any additional damages. The proceedings had in the County Court, or before the Judge thereof, shall be final and conclusive upon all parties.

Final
decision in
County
Court.

Payment of
damages.

SEC. 19. Upon the payment or tender of the damages assessed by the Board of Supervisors, and received or assented to by said claimant or claimants, or awarded in said County Court, such land so taken for any road shall be deemed vested in said county for all the purposes of said road, and the road may then be, by order of the Board of Supervisors, established and opened across and over the same.

Costs and
expendi-
tures.

SEC. 20. For all costs and expenditures under this Act, for locating a new road or for alteration of any road, the Board of Supervisors shall cause the County Auditor to draw a warrant on the District Road Fund where the new road or alteration proposed is located.

SEC. 21. All Acts and parts of Acts, so far as they conflict with this Act, are hereby repealed.

SEC. 22. This Act shall be in force from and after January first, eighteen hundred and seventy-three.

CHAPTER CCXLIX.

An Act supplementary to an Act entitled an Act to authorize the Board of Supervisors of Mendocino County to issue bonds of said county and apply the same to the construction of wagon roads in said county, approved February twentieth, eighteen hundred and seventy-two.

[Approved March 12, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the exercise of the powers conferred upon them by the Act to which this is supplementary, the Board of Supervisors of Mendocino County may, in their discretion and when they may deem it advisable, authorize and provide for the construction of the roads described in said Act with greater grades and of less width than is provided for and specified in the terms of said Act. ^{Grades of roads.}

SEC. 2. This Act shall take effect immediately.

CHAPTER CCL.

An Act amendatory of and supplementary to an Act entitled "An Act to define and limit the compensation of officers, and reduce public expenses and taxation in the County of San Mateo," approved February sixth, eighteen hundred and sixty-four.

[Approved March 12, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of the Act of which this is amendatory is hereby amended so as to read as follows:

Section 7. Neither the Board of Supervisors nor any officer, officers, or authority shall have power to contract any debts against the County of San Mateo, and no person or property therein shall ever be liable to be assessed or be subject to taxation in any form to provide for the payment of any debt hereafter contracted, or of any claims against the county, except such legal and proper expenses thereof as shall accrue after the commencement of the fiscal year of which the tax shall be levied, and no part of the moneys levied and collected by tax- ^{Prohibition concerning county debt}

The fiscal
year.

ation for one fiscal year shall ever be applied towards the payment of any expenses, debt, or liability incurred during any preceding fiscal year. It is moreover declared that the fiscal year commences on the first day of July, and ends on the thirtieth day of June; *provided*, the Board of Supervisors of said county are hereby authorized and empowered to adjust and settle all claims now existing either by or against the county, and to levy and collect at the same time and in the same manner other county taxes are levied and collected, a tax sufficient to pay all indebtedness which may be found justly to be due on the thirtieth day of June, eighteen hundred and seventy-two, and remaining unpaid on that day, including all interest which may accrue thereon, not to exceed in any event the sum of eleven thousand dollars. It shall be the duty of the County Treasurer to pay out of the funds which may come to his hands as such Treasurer all demands or claims which may or shall be allowed by the Board of Supervisors, with interest from the time of presentation thereof to him until paid, at the rate of ten per cent per annum.

General
Fund.

SEC. 2. The Board of Supervisors of San Mateo County shall hereafter have power to levy and collect for county purposes upon the whole amount of taxable property in the county, entered and appearing upon the assessment roll after the completion and equalization thereof each year, the following taxes: for the General Fund such rate or proportion upon the aggregate value of said roll as footed up will produce an amount not exceeding twelve thousand dollars, the rate for the General Fund being ascertained and fixed in all cases by mathematical calculation without allowing for delinquencies. The County Auditor shall calculate the rate and certify to its correctness, which certificate shall be attached to the assessment roll. The Board of Supervisors, if they shall deem it necessary, shall have power to increase the rate of taxation for the General Fund to such extent each year successively as will add five hundred dollars to said Fund.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLI.

An Act to authorize the issue of bonds by the County of Inyo to erect county bridges and buildings.

[Approved March 12, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Inyo
County
bonds.

SECTION 1. The Board of Supervisors of the County of Inyo are hereby authorized to issue and sell the bonds of said county, not exceeding in the aggregate forty thousand dollars, payable at the option of the said Board at any time within twenty years

from the date of issuance of said bonds in gold coin, and to bear interest at the rate of ten per cent per annum, payable annually in gold coin on the second day of January in each year.

SEC. 2. Said bonds shall be in sums of not less than one hundred nor more than five hundred dollars, shall bear the date of their issuance, and shall be signed by the Chairman of the Board of Supervisors, the County Auditor, and the County Treasurer of said county. *Coupons for the interest shall be attached to each bond, signed by the Chairman of the Board of Supervisors and the County Treasurer.* Description

SEC. 3. Before the sale of any of said bonds the said Board of Supervisors shall, at a regular meeting of said Board, cause to be entered upon the record of said Board an order directing the sale of a specified amount of said bonds, and the day and hour of such sale, which shall not be less than thirty days after the entry of said order, and shall cause a copy of said order to be inserted in a newspaper published in said county, and in some weekly newspaper in San Francisco, to be designated by said Board of Supervisors, for at least three successive weeks, and a notice that sealed proposals will be received by said Board for the purchase of said bonds. On the day and hour named in said order the said Board shall open all sealed proposals received by them, and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that the said Board may reject any and all bids; and *provided* further, that no bonds shall be sold for less than eighty cents on the dollar par value. Sale.

SEC. 4. The said Board may sell said bonds at not less than ninety cents on the dollar par value without the notice provided for in the preceding section. Price.

SEC. 5. The amount of bonds sold, their numbers and dates, shall be entered upon the records of said Board.

SEC. 6. The proceeds of the sale of said bonds shall be paid into the County Treasury, and shall be expended under the direction of said Board of Supervisors for the purpose of building three bridges across Owens River—one at Lone Pine, on or near the site of the present bridge; one at Bend City, on or near the site of the present bridge; and one at a point on Owens River, in Bishop Creek Valley, or at Big Pine, at a point to be selected by the Board of Supervisors—and for the purpose of building a Court House and Jail in said County of Inyo. Application of funds.

SEC. 7. After the passage of this Act, and until all bonds sold are redeemed, the said Board are hereby authorized, and it shall be their duty, to levy annually and at the same time that other State and county taxes are levied, a tax not exceeding forty cents on each one hundred dollars value of taxable property in said county; *provided*, that said tax may be levied at a special meeting of said Board for that purpose for the year A. D. one thousand eight hundred and seventy-two. Such tax, when collected, shall constitute a Fund for the payment of said interest on said bonds and for the liquidation of the same, and shall be named the "Interest and Building Fund," and if any interest Interest and Building Fund.

shall be due on said bonds and there is no money in said Interest and Building Fund to pay the same, the County Treasurer shall transfer to the said Interest and Building Fund from any and all of the other Funds of said county, except the School Fund, a sufficient sum to pay said interest.

Redemption of bonds.

SEC. 8. Whenever, on the second day of January in each year after the year A. D. one thousand eight hundred and seventy-three, there shall remain in said Interest and Building Fund, after all the interest then due has been paid, a sum of five hundred dollars or more, the said Board of Supervisors shall advertise in a newspaper published in said county, and also in some weekly newspaper published in San Francisco, to be designated by the said Board, for the space of three weeks, for sealed proposals for the redemption of said bonds; and one week from the expiration of the time of such publication the said Supervisors shall open the sealed proposals, and shall pay the bonds offered at the lowest price, as far as the money in the Interest and Building Fund will extend; *provided*, that no bids shall be considered for more than the par value of said bonds. Should there be no proposals made for par value or less, then the money in the said Interest and Building Fund shall be used for the redemption of said bonds according to the number of their issue, of which the County Treasurer shall give the same notice as is required by law in the case of the redemption of county warrants; and from the date of said notice the bonds proposed to be redeemed shall cease to draw interest. And if any such bonds shall not be presented for redemption within three months from the date of such notice, the County Treasurer shall apply the money for the redemption of bonds next in order of the number of their issue.

Cancellation.

SEC. 9. Whenever any bond shall have been paid, the County Treasurer shall mark the same "Canceled," over his signature, and return the same to the County Auditor in the same manner as redeemed county warrants, with interest coupons which are not then due attached.

Alternative tax.

SEC. 10. In the event the said bonds or a sufficient amount of the same cannot be sold at the minimum price as provided in section three, the Board of Supervisors are authorized to levy annually a tax of not exceeding forty cents on each one hundred dollars in value of taxable property in said county, for the purpose of building three bridges and the Court House and Jail above mentioned; said tax to be levied at the same time that other State and county taxes are levied; *provided*, that said tax may be levied at a special meeting, for that purpose, of said Board, in the year A. D. one thousand eight hundred and seventy-two. The levying of said tax shall cease as soon as three bridges, a Court House, and Jail have been built and paid for.

SEC. 11. This Act shall take effect from and after its passage.

CHAPTER CCLII.

An Act to regulate the fees of the Sheriff of the County of Santa Cruz.

[Approved March 12, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the County of Santa Cruz the Sheriff shall be entitled to receive the fees hereinafter specified: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on every defendant, one dollar. For traveling in making such services, per mile, in going only, to be computed in all cases from the Court House of the county, thirty cents; *provided*, that if any two or more papers required to be served in the same suit at the same time, and in the same direction, one mileage only shall be charged. For taking bonds, or undertaking in any case in which he is authorized to take the same, fifty cents. For copy of any writ, process, or other paper when demanded or required by law, for each folio, twenty cents. For serving every notice, rule, or order, fifty cents. For serving a subpoena, for each witness summoned, fifty cents. For traveling, per mile, in serving each subpoena or venire, in going only—but when two or more witnesses or jurors live in the same direction traveling fees shall be charged only for the most distant—thirty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, and with traveling fees as on a summons, one dollar and fifty cents; but no traveling fee shall be allowed on such attachment, order of arrest, or order for the delivery of personal property when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, one dollar and fifty cents. For making and posting notices and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in newspaper, one dollar. For commissions for receiving and paying over money on execution or process when lands or personal property has been levied on, advertised, and sold, on the first one thousand dollars, two per cent, and on all sums above that amount, one per cent. For commissions for receiving and paying over money on execution, without levy, or when the lands or goods levied on shall not be sold, two per cent on the first thousand dollars, and one per cent on all over that sum. The fees herein allowed for the levy of an execution and for advertising and for making or collecting the money on an execution shall be collected from the defendant by virtue of such execution in the same manner as the sum therein directed to be made. For drawing and executing

Fees of
Sheriff of
Santa Cruz.

every Sheriff's deed, to be paid for by the grantee, who shall in addition pay for the acknowledgment thereof, three dollars. For serving a writ of possession or restitution, putting any person entitled into possession of premises and removing the occupant, five dollars. For travel in the service of any process not hereinbefore mentioned, for each mile necessarily traveled, in going only, thirty cents. For attending, when required, on any Court in person, or by deputy, for each day, to be paid out of the County Treasury, three dollars. For bringing up a prisoner on habeas corpus to testify or answer in any Court, or for examination as to the cause of his arrest and detention, or to give bail, fifty cents. And for traveling each mile from the Jail, in going only, thirty cents. He shall also be allowed such further compensation for his trouble and expense in taking possession of property under attachment or execution, or other process, and of preserving the same, as the Court from which the writ or order may issue shall certify to be just and reasonable. For holding each inquest, or trial of right of property, when required, to include all service in the matter except mileage, three dollars. For attending on Supreme Court, either in person or by deputy, to be paid out of the State Treasury as other claims, for each day, five dollars. For making every arrest in a criminal proceeding, two dollars. For serving each subpoena in criminal proceedings, fifty cents. For executing every sentence of death, twenty dollars. For summoning a Grand Jury of twenty-four, eight dollars. For summoning each trial jury of twelve persons, four dollars. For each additional juror, twenty-five cents. For service of any process in criminal cases, for each mile necessarily traveled, twenty cents; and the same mileage for taking prisoner before a magistrate or to prison. In serving subpoena or venire in criminal cases he shall receive mileage for the most distant only when witnesses or jurors live in the same direction. For all services in Justices' Courts the same fees as are allowed to constables in like cases. The Sheriff shall be allowed a deputy as jailor in said county, whose compensation shall be fixed by the Board of Supervisors and paid quarterly out of the County General Fund.

SEC. 2. All Acts and parts of Acts in conflict with this Act, so far as the same so conflict, are hereby repealed.

CHAPTER CCLIII.

An Act supplementary to an Act entitled "An Act to authorize H. H. Smith and others to construct and maintain a turnpike road from Cave Valley to a point on the line of the Central Pacific Railroad, at or near Auburn Station," approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 12, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this Act the Board of Supervisors of the County of El Dorado shall from time to time, as said Board shall deem proper, establish the rates of toll to be collected on the said turnpike and toll road from Cave Valley, in El Dorado County, to or near Auburn Station, Placer County, which was constructed under the Act to which this Act is supplementary; *provided*, said notes [tolls] shall not be reduced so as to produce a less income than fifteen per cent per annum upon the cost of constructing said road and toll gates, over and above the expenses of collecting the toll and keeping the said road in repair. Rates of toll.

SEC. 2. After the passage of this Act, the persons or company owning said franchise and road shall report to the Board of Supervisors of El Dorado County the number and location of toll gates on said road, the amount of money expended in the location and completion of said road and toll gates, and the total amount of receipts and expenses respectively, for the preceding year, and said report shall be made on the first day of April of each year; and said report shall be verified by the oath of the Superintendent or toll gatherer of said company, or by some member or members of the company owning said franchise and road, having knowledge of the facts. Annual report.

SEC. 3. All parts of the Act to which this Act is supplementary, in conflict with this Act, so far as the same are in conflict, are hereby repealed. Repealing.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLIV.

An Act to reincorporate the City of San José.

[Approved March 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporation or body politic and corporate now existing and known as the City of San José, shall remain Corporation.

Boundaries.

and continue to be a body politic, in name and in fact, by the name of the City of San José, and by that name shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and may use a common seal, and the same may alter at pleasure, and may purchase, receive, hold, and enjoy real estate and personal property, and sell, convey, and dispose of the same for the common benefit. The boundaries of the City of San José shall be as follows: Beginning on the center line of Second street, at a point one mile and a half southeasterly from its intersection with the center line of San Fernando street; thence running in a straight line parallel with San Fernando street to the center of the Coyote Creek; thence down, following the center of said creek, to its intersection with a line drawn through the center of Rosa street; thence along said line, through the center of Rosa street, in a straight course to a point forty rods southwesterly from the west bank of the River Guadalupe; thence in a straight line to a point in the center line of San Fernando street produced forty rods southwesterly from the said west bank of the River Guadalupe; thence in a straight line parallel with Second street, to a point that a line drawn from it to the place of beginning will be parallel with San Fernando street; thence along said line to the place of beginning; also, the jurisdiction of said city shall extend to and embrace all that certain plat or parcel of land as now inclosed for a public cemetery and known and designated as Oak Hill Cemetery.

Officers.

SEC. 2. The government of said city shall be vested in a Mayor; a Common Council, to consist of six members; a City Treasurer, who shall be City Collector; a City Assessor, who shall be City Clerk; a City Marshal, who shall be Street Commissioner; and such policemen as the Mayor and Common Council may appoint.

Election.

SEC. 3. On the second Monday of April in each and every succeeding year a charter election shall be held, at which the legally qualified voters of said city shall elect the several respective officers, as hereinafter provided, viz: a Mayor shall be elected at the charter election to be held on the second Monday in April, A. D. eighteen hundred and seventy-two, and on each alternate year thereafter, who shall hold his office for two years and until his successor shall be duly elected and qualified; a City Assessor, who shall be City Clerk, shall be elected at the charter election to be held on the second Monday in April, A. D. eighteen hundred and seventy-three, and on each alternate year thereafter, and shall hold his office for two years and until his successor is duly elected and qualified; a City Marshal, who shall be Street Commissioner, shall be elected at the charter election to be held on the second Monday in April, A. D. eighteen hundred and seventy-two, and on each alternate year thereafter, and shall hold his office for two years and until his successor shall be duly elected and qualified; a City Treasurer, who shall be City Collector, shall be elected at the charter election to be held on the second Monday in April, and shall hold his office for two years and until his successor shall be duly elected and qualified; three Councilmen shall be elected

annually, at the charter election to be held on the second Mon-Same.
day in April, who shall hold their offices for two years and
until their successors are duly elected and qualified. The City
Clerk and Assessor and the three Councilmen elected and qual-
ified under the present city charter, whose term of office would
expire in April, A. D. eighteen hundred and seventy-three, shall
be and remain such officers of said city until the expiration of
said term and until their successors are duly elected and qual-
ified. The officers of the present city government shall continue
in office under this charter, with such powers and duties as are
herein prescribed, until their successors are elected and qual-
ified, and nothing herein contained shall be construed to release
any person heretofore holding office in said city from any per-
sonal liabilities which they may have incurred by any of their
official acts.

SEC. 4. It shall be the duty of the Mayor and Common Coun-Time
cil to call all city elections, to designate the time and places and place.
of holding the same, giving at least ten days notice thereof, and
for all of which they shall appoint one Inspector and two
Judges of Election, who, together with two Clerks, to be
appointed by them, shall take the oath of office prescribed by
law for Inspectors, Judges, and Clerks of State and county
elections; and all provisions of law regulating elections for
State and county officers shall apply, so far as practicable, to
elections under this charter. The polls for all elections shall be
opened at nine o'clock A. M., and continue open until six o'clock
P. M. of the same day. In case any of the officers so designated
shall fail to attend, those attending with the electors assembled
shall fill their places by appointing other competent persons
from among the qualified electors present; and all returns of
city elections shall be made out and signed by the officers of
such election, in the usual form, and deposited with the City
Clerk, and the persons having the plurality of the votes cast
for each of the respective offices voted for shall be declared
duly elected; and no person who is not a qualified voter shall be
eligible to any office under this charter, nor shall any person
be entitled to vote at any city election unless he shall be an
elector for State and county officers, and shall have actually
resided within the city thirty days next preceding such election.

SEC. 5. The Mayor and Common Council shall meet within
five days after any election and canvass the returns and declare
the result, and when any two or more persons for any office
have an equal and highest number of votes, the Common Coun-
cil shall decide the election by a plurality vote of their own
Board. Should any of the officers elected fail to qualify and
give the bond required for the period of ten days after their
election, the office shall be deemed vacant, and shall be filled as
hereinafter provided. Canvass
returns.

SEC. 6. The Mayor and Common Council shall hold their
regular meetings on the first Monday of each month; a majority
of all the members shall be a quorum, and less number may
adjourn from time to time and may compel the attendance of
absent members. The Mayor shall preside at all meetings of
the Common Council, but shall be entitled to no vote unless in
case of a tie. In the absence of the Mayor at any of the regu-
lar meeting of
Council.

lar or adjourned or called meetings of the Common Council, if five members be present they may choose one of their own number to preside at their meeting, and all acts of their presiding officer shall have the same validity as if presided over or done by the Mayor. Every order made and ordinance passed by the Common Council, in order to have legal force, must receive the votes of a majority of the Councilmen elected and the approval of the Mayor, or if he fail or refuse to approve the same within ten days after its passage, to render such order or ordinance valid it must receive the votes of five of the Councilmen.

Vacancy.

SEC. 7. If at any time either or any of the officers created by this Act (members of the Board of Education excepted), shall by sickness, absence, or otherwise neglect, refuse, or be unable to perform the duties of his office for a period of three consecutive months, his office shall be deemed vacant and shall be so declared by the Common Council. If any such vacancy shall occur in any of the offices created by this Act, the same shall be filled by the Mayor and Common Council until the next regular election, when the vacancy, if any there exist, shall be filled by the qualified electors of said city.

Power and
duties of
Common
Council.

SEC. 8. The Common Council shall determine the rules of its own proceedings; shall judge of the qualifications of its own members, keep a journal of its proceedings, compel the attendance of its members, and punish for disorderly conduct, and for such conduct may expel a member by a two-thirds vote. They shall have power to pass all proper and necessary laws for the regulation, improvement, and sale of lands and other property of the city, except the sale and disposal of the public squares; to license all and every kind of business authorized by law and transacted or carried on in said city; to fix the rates of license tax upon all such business, at their discretion, as they may deem the interest and good order of the city may require; to purchase, hold, and maintain fire engines, and all implements for the prevention and extinguishment of fires; to organize and maintain a Fire Department, and establish fire limits; to construct wells and cisterns and viaducts to supply the city with water; to lay out, alter, open, vacate, improve, cleanse, and repair the streets and sidewalks; to repair any property of the city; to create and establish a City Police, to prescribe their duties and compensation, and to provide for the regulation and government of the said police; to regulate for the protection of health, cleanliness, ornament, peace, and good order of the city; to prevent and remove nuisances; to establish prisons; to provide for the care and regulation of prisoners, for the employment of vagrants and prisoners upon the public works of the city; to prohibit and suppress gambling houses and houses of ill fame—all indecent and immoral amusements and exhibitions; regulate the location of slaughter houses, markets, and houses for the storage of gunpowder and other combustibles; to impose and appropriate fines, penalties, and forfeitures, for any and all violations of city ordinances; and for a breach or violation of any city ordinance may fix the penalty by fine or imprisonment, or both fine and imprisonment; but no such fine shall exceed one hundred dollars, or such imprisonment for a term

exceeding thirty days for any offense; or may provide for ^{Same.} sentence to labor on the streets or public property of the city; to levy and collect taxes upon all the taxable property within the city which for city purposes, as apportioned to the General Fund for current expenses, shall not exceed one half of one per cent upon the assessed value thereof; to pass such ordinances, resolutions, and by-laws for the regulation of the police, and entire government of said city, as may not be inconsistent with the provisions of this charter, or with the Constitution and laws of this State, or of the United States; and any violation of any lawful order, regulation, or ordinance of the Mayor and Common Council of the City of San Jose, is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the People of the State of California.

SEC. 9. The Common Council shall not create, audit, or ^{Creation of debt.} allow or permit to accrue any debt or liabilities above the actual revenue or available means in the Treasury that may be legally apportioned and appropriated for such purposes, nor shall any warrant be drawn nor evidences of indebtedness be issued unless there shall be sufficient money in the Treasury justly applicable to meet the same, except as hereinafter provided.

SEC. 10. Every claim and demand that shall arise against the City of San José (except bonds, coupons for interest, or claims payable from the School Fund) shall be filed with the City Clerk and presented to the Common Council, and if found correct shall be allowed and ordered paid by a majority vote of the Councilmen elected, and when so allowed shall be presented to the Mayor for approval, and if he approve such allowance he shall indorse his approval upon such claim or demand, and if he fail or refuse to approve such allowance within ten days, the said claim or demand, in order to render the same payable, must be allowed and ordered paid by the votes of five Councilmen. Upon the allowance of any claim or demand as in this section provided, the Mayor shall draw his warrant (countersigned by the City Clerk) upon the City Treasurer in favor of the owner or owners, specifying for what purpose and by what authority it is issued and out of what Fund it shall be paid, and the Treasurer shall pay the same out of the proper Fund. ^{Claims filed and allowed.}

SEC. 11. At each regular meeting of the Common Council ^{Special tax} they shall inquire into the condition of the streets, bridges, sewers, schools, school houses, and Fire Department, and all property of the city, and whenever the owners of a major part of the taxable property of the city, according to its valuation upon the last preceding assessment roll, shall make written application to the Mayor and Common Council for an expenditure of not exceeding ten thousand dollars for any purpose authorized by this Act, in excess of the revenue of this city, for such purpose in the then current fiscal year, the Mayor and Common Council shall have the power, after having caused such application to be spread upon their minutes, to incur such expenditure, although in excess of the revenue of the city for the then current fiscal year, and shall provide for the payment

of the same as directed in said application, either by the levy of a special tax in the same or the succeeding fiscal year; *provided*, that the special tax thus to be levied shall for no one year be more than one half of one per cent upon the valuation of the real and personal property as shown by the last assessment roll. All special taxes ordered to be levied and collected shall be so levied and collected in the manner, forms, and ways prescribed for the levying and collecting of the general taxes of said city.

Collection
of taxes.

SEC. 12. The Common Council shall have power, and it is hereby made their duty, to provide by ordinance for the levying and collecting of all city taxes, and in so doing shall be governed by the State laws in reference to the levying and collecting of State and county taxes so far as the same may be applicable, and may in like manner from time to time provide for the collection, by civil action or otherwise, of all taxes levied or assessed by them or under their authority for city purposes that now have or may hereafter become delinquent, and in case such taxes be collected by civil action the Courts of justice shall have the same jurisdiction. The complaint, answer, and other pleadings shall substantially conform to the same requirements, and the summons and other process of such Court shall be issued, served, and returned in the same manner as is or may be provided by law for the collection of delinquent taxes levied for State and county purposes; and all sales and conveyances of property made and executed for the non-payment of delinquent taxes shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for State and county purposes; and every tax levied by said Common Council under the provisions of this Act, or of any former Act which was in force and effect and which may become repealed by the provisions of this Act, is hereby made a lien against the property assessed, which lien shall attach on the first Monday in May in each year, and shall not be satisfied or removed until the taxes are all paid, or the property has absolutely vested in a purchaser under a sale for taxes. The delinquent list or copy thereof, certified by the City Clerk, made out substantially in the form prescribed for making out the list of delinquent taxes levied for State and county purposes showing unpaid taxes against any person or property, shall be prima facie evidence in any Court to prove the assessment of the property assessed, the delinquency, the amount of taxes due and unpaid, and that all forms of law in relation to the assessment and levy of such taxes have been complied with.

Delin-
quent list.

Taxes.

SEC. 13. The Common Council shall raise annually, by taxation upon the real and personal property within the city, as estimated in the preceding assessment roll, such tax as shall be necessary for the support and maintenance of the public schools of the city; they shall also in like manner raise a tax for the support of the fire department of the city a sum not to exceed one fifth of one per cent, and for general purposes a sum not to exceed one half of one per cent. They may also raise annually by taxation upon all the real and personal property within the city, as estimated by the preceding assessment roll, for purposes of sewerage and drainage of said city, a sum not to exceed one

fourth of one per cent. All license taxes, unless otherwise ordered by the Common Council, shall be apportioned to the General Fund, and all taxes and licenses herein authorized to be collected shall be collected in the legal currency of the State as prescribed in reference to State and county taxes.

SEC. 14. The Common Council are hereby authorized and empowered to order the whole or any portion of any street or streets, lane or lanes, alleys, courts or squares graded or regraded to the official grade, paved, graveled, or macadamized, and have the same repaired, to improve and beautify the public squares, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, sidewalks, lanes, alleys, and squares, as in their opinion the public good and convenience require. Laying out and opening streets.

SEC. 15. If at any time the owners of three fifths or more of the real estate fronting on any street counting from one cross street to any other cross street within the corporate limits of the City of San José, shall petition the Mayor and Common Council of said city for the privilege of grading, graveling, macadamizing, paving, planking, curbing, or repairing such street or the sidewalks along the same or both, then it shall be the duty of the Common Council to cause an immediate survey of any such proposed work or improvements to be made by the City Surveyor or some other competent surveyor, who shall on the conclusion of said survey produce a map or diagram indicating the proposed grade and the amount of excavation or filling in front of each person's real estate to the middle of the street, all lots on the corners of blocks to include the sidewalks of the cross streets; or if the improvements only extend to the sidewalks then he shall indicate as aforesaid the amount of excavation or filling of the sidewalks in front of each person's real estate, and he shall present the same, together with the plans and specifications for the proposed work or improvements, to the Mayor or Common Council for approval. Grading of streets.

SEC. 16. If the Mayor and Common Council approve the survey, diagram, and specifications of the surveyor provided for in the preceding section, the same shall be placed on file in the office of the Street Commissioner, and the Mayor and Common Council shall order said improvements to be made as petitioned for, designating in said order at what time said improvements shall be completed, and providing therein that the Street Commissioner shall immediately let out to the lowest responsible bidder or bidders, after giving such notice as the Mayor and Common Council may direct, by contract, in writing, the doing of all of the said work or improvements so ordered. Said contract shall provide that said work and improvements shall be made in accordance with the diagram, survey, and specifications in reference thereto, and that the same shall be completed within the time fixed by the Mayor and Common Council for the completion of said work and improvements, and shall particularly state the amount to be paid for such improvements; and all such contractors shall, at the time of the execution of the contract, also execute a bond to the satisfaction of the Mayor and Common Council, with two or more sureties, in such sum as the said Mayor and Common Council may deem Approval of survey. Contract.

Contract. adequate, conditioned for the faithful performance of the contract, and made payable to the City of San José; and the said sureties shall justify, before any officer competent to administer an oath, in double the amount mentioned in said bond, over and above all statutory exemptions (and any person suffering damages by reason of the breach of said contract may sue on such bond in his own name); *provided*, that not less than the whole of said work or improvements required to be done on any street, from one cross street to the next cross street, shall be let to any one contractor, or in any single contract; and *provided* further, that no contract for the doing of any of said work or improvements shall go into effect until approved by the Mayor and Common Council of said city; and the Mayor and Common Council shall have the power to reject any or all contracts so made as aforesaid by the Street Commissioner, as in their discretion the public good may require, and to direct the Street Commissioner to readvertise for proposals to do said work or improvements.

Approval of contract. **Sec. 17.** Upon the approval of the contract or contracts for the doing of said work or improvements, as provided for in the preceding section, it is hereby made the duty of the City Assessor of said city, within ten days thereafter, to make an **Assessment list.** assessment of the costs of making such improvements, as apportioned to each of the owners of the real estate fronting on the portion of said street so ordered to be improved, in the same ratio or proportion which the frontage of the real estate of each of said owners bears to the total cost of the said improvements so petitioned for and let as aforesaid; and if the owners of any of the real estate fronting on said portion of said street are unknown to said Assessor he shall assess the proportionate cost of said improvements to the "Unknown owners" of such real estate; and he shall present the said assessment to the Mayor and Common Council for approval; and when said assessment shall have been approved by the Mayor and Common Council the City Clerk shall attach his certificate of approval thereto, and shall place said assessment in the hands of the City Collector, and the said Collector shall proceed to collect the same, in such manner and within such time as the Mayor and Common Council shall by ordinance direct. At the expiration of the time fixed by the Mayor and Common Council for the collection of said assessment by the City Collector, he shall return the same to the City Clerk, and the said Clerk shall within ten days make out and deliver to the City Attorney (or such other attorney as the Mayor and Common Council may designate) a certified list of the persons and property and the amounts remaining delinquent upon such assessment; and the said attorney shall immediately commence suit or suits for the collection of the same, and the proceedings for the collection of said assessment so remaining delinquent shall be the same as for the collection of other delinquent taxes; and the said assessment shall be a lien upon and against the property assessed, which shall attach at the time said improvements are ordered to be made, and shall not be satisfied or removed until the said taxes or assessments are all paid, or the property has absolutely vested in a purchaser under a sale for taxes; and said

taxes or assessments shall be collected in the same kind of currency as prescribed in reference to State and county taxes. The delinquent list provided for in this section, certified by the City Clerk, showing unpaid taxes against any person or property, shall be prima facie evidence in any Court to prove the assessment of the property assessed, the delinquency, the amount of taxes or assessments due and unpaid, and that all forms of law in relation to the assessment and levy of such taxes have been complied with.

SEC. 18. The cost of the survey, specifications, maps, or diagram of any of the work or improvements hereinbefore mentioned, together with all culverts and the improvements of the roadway of all street crossings, shall be paid by the city. Paid by city.

SEC. 19. When any street or portions of any street, or the sidewalks or any portion thereof becomes in a condition to be dangerous, or in a condition to cause great public inconvenience, and shall be so determined by the Mayor and Common Council, the Street Commissioner shall, by notice in writing, to be delivered to them personally, or posted on the premises of the owners, occupants, or tenants upon any real estate in front of which such repairs or improvements are required to be made, require them to make such improvements or repairs forthwith, particularly specifying in such notice what improvements or repairs are required to be made. If such improvements or repairs are not commenced within three days after notice given as aforesaid, and diligently prosecuted to completion without unnecessary delay, the Street Commissioner shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements required by said notice, and may enter into a contract with any competent person to make the required improvements or repairs at the expense of the owner of such real estate, at such price as he may deem reasonable and just, and such owner shall be liable to pay the same; and such sum or sums of money contracted to be paid for said work or improvements shall be a lien upon the real estate in front of which to the middle of the street said work or improvements shall have been made, and may be collected by civil action from the personal effects of such owner or owners, or by a tax levied and assessed as provided in section seventeen of this Act. Sidewalks.

SEC. 20. The city or the proper authorities thereof shall not be held responsible for or assume the payment of any money for work done or repairs and improvements made, until after all demands on the owners or occupants of such real estate have been paid or prosecuted to final collection; and in case of failure on the part of the city to collect such tax from the owner or occupants, or from the real estate, the person or persons having contracted for, done, and completed any part of or the whole of such work done or repairs and improvements made, may present the same to the Mayor and Common Council, and be allowed and paid therefor from the General Fund of said city. When city not responsible.

SEC. 21. When any street or portion of a street not less in extent than from one cross street to the next cross street shall hereafter be constructed, repaired, and fully improved to the satisfaction of the Mayor and Common Council of the City of San José, under such regulations as they may adopt, the Mayor

and Common Council may by ordinance accept the same, and thereafter the roadway of said portion of such street so accepted shall be kept open and in repair by said city, and the expense thereof shall be paid from the General Fund; *provided*, that nothing in this section shall be so construed as to relieve the owners of property fronting on the portion of the street so accepted from keeping in good order and repair the sidewalks, curbs, and gutters along the same. The City Clerk shall keep in his office a register of all streets or portions thereof accepted under this section, the same to be indexed so that reference may be easily had thereto.

Superintendent of Cemetery.

SEC. 22. The Mayor and Common Council shall have power, and it is hereby made their duty, to appoint some suitable and competent person as Superintendent and Sexton of Oak Hill Cemetery, who may be removed by the Mayor and Common Council. Such Sexton shall have power to make arrests of persons who may trespass upon the cemetery grounds, or found guilty of violating any of the laws or rules for the protection and government of said cemetery as prescribed by ordinance or resolution of the Mayor and Common Council. The Mayor and Common Council shall have power to make all needful laws and regulations for the government of said cemetery. They shall in such laws particularly set forth the duties of the Sexton, and provide for his compensation.

City Attorney and City Surveyor.

SEC. 23. The Mayor and Common Council, when in their opinion the public good so requires, shall appoint a City Attorney, and also a City Surveyor, the duties and compensation of each of said officers to be prescribed by the Mayor and Common Council.

Board of Equalization.

SEC. 24. The Common Council, or a committee of their number appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed in his assessment, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they or a majority of them shall deem just and proper. Said meetings may be held from time to time as in said notice specified for the period of two weeks and no longer. The Mayor and members of the Common Council shall receive no compensation for their services (except as in this Act is allowed to the Mayor), neither shall they or either of them, or any subordinate officer of the city government be interested, directly or indirectly, during their term of office in any contract pertaining to any of the departments of the city, and all contracts in violation of this provision shall be declared void.

Improvement of streets.

SEC. 25. The Mayor and Common Council of the City of San José shall, upon the presentation of a petition for the opening of any new street or for the extending or widening of any street in said city (which petition shall have been signed by the owners of two thirds of the frontage on said street therein proposed to be opened, widened, or extended, if deemed by said Mayor and Common Council a public necessity), direct, by ordinance, the City Surveyor to make an accurate survey of any such proposed street or streets, and return the same to the

Common Council at its next regular meeting or within such time as the Common Council shall by ordinance or resolution direct; and for the purpose of making such survey, the Surveyor shall have the right to enter upon any and all lands, but the city shall be liable to the owner or owners for any injury done to any such premises by reason of such entry.

Improvement of streets.

SEC. 26. If the Mayor and Common Council approve the survey provided for in the preceding section, the City Clerk shall give notice, by publication in some newspaper published in the City of San José, directed generally to all persons interested, setting forth that such petition has been filed and that the survey of such proposed street or streets has been made and approved, and that unless the owners of all lands included within the lines of said street as proposed to be opened, widened, or extended, shall within six months make, execute, and deliver to the City of San José a deed or deeds of donation of such lands, all proceedings under said petition shall be stayed.

SEC. 27. If at any time within six months after the approval of the survey for the proposed opening, widening, or extending of any street, all of the owners of the lands included within the lines of such street as so proposed to be opened, widened, or extended shall make, execute, and deliver to the City of San José good and sufficient deeds, the said street shall be accepted, and thereafter shall be and remain a public street of said city.

SEC. 28. In order to provide for the necessary and proper drainage and sewerage of the City of San José, the Mayor and Common Council of said city are hereby authorized to procure the right of way for a main sewer or drain from a point in the Guadalupe River, northwest of said city, and at or near the northwest corner of the lands of J. Q. A. Ballou to such point in the City of San José as they may deem proper, and the said Mayor and Common Council are hereby authorized and empowered to construct and maintain a main sewer or drain through, in, and upon the lands and route procured by them, and to provide and cause the drainage and flow of the sewerage of said city to be conducted and carried through said sewer or drain and discharged into the Guadalupe River.

Drainage and sewerage.

SEC. 29. The Mayor and Common Council of the City of San José are hereby empowered to improve the rivers and streams flowing through said city, in order to facilitate the drainage thereof and to protect the lands contiguous to said streams from overflow; to cause obstructions to be removed from the channels; to raise embankments; and to widen, straighten, and deepen said channels.

SEC. 30. The Mayor and Common Council of the City of San José shall, upon presentation of a petition signed by the owners of two thirds part of the frontage on any river or stream flowing through said city, asking for the widening, straightening, or deepening of said stream, if deemed by them a public necessity, direct, by ordinance, a survey of said stream within such time as shall be directed by said ordinance, and said survey shall be accompanied with a report and diagram map showing the location of said stream and the proposed alterations thereof.

Approval
of survey.

SEC. 31. If the Mayor and Common Council approve the survey provided for in the preceding section, it is hereby made the duty of the City Clerk to cause to be published in said city a notice directed generally to all persons interested, setting forth that said petition has been filed and that said survey has been approved, and that unless the owners of all lands included within the lines of said survey shall, within six months from the date thereof, make, execute, and deliver a deed or deeds of donation (for the purposes contemplated in section twenty nine of this Act) of said lands to the City of San José, all proceedings under such petition shall be stayed until such deed or deeds shall be made, executed, and delivered. If at any time within six months after the first publication of the said notice all of said owners shall have donated said lands to the City of San José, the Mayor and Common Council shall be deemed to have acquired jurisdiction to order the improvements of said stream as petitioned for to be made as heretofore provided. And for such purpose at any time thereafter the Mayor and Common Council of the City of San José, if they deem the same a public necessity, may levy and collect, and the said Mayor and Common Council are hereby authorized and empowered to levy and cause to be collected at the same time and in the same manner as other city taxes, a special tax of not exceeding one tenth of one per centum annually upon all the real and personal property of said city subject to taxation, as and to constitute a River Improvement Fund, to be used and appropriated only for the purposes named in section twenty-nine of this Act.

Duty of
Mayor.

SEC. 32. The executive power of the corporation shall be vested in the Mayor. It shall be the duty of the Mayor to be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced; to be at the head of the police; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty, and certify the same to the Common Council, and may suspend the function of such officer until the charges preferred against him can be inquired into by the Common Council; to sign all licenses and warrants on the Treasury; to administer oaths or affirmations upon any and all matters and business pertaining to said city, and generally perform all such duties as may be prescribed for him by law or by the city ordinances; to communicate to the Common Council semi-annually, and oftener if he thinks proper, a general statement of the situation and condition of the city in relation to its government, finances, and improvements, and such recommendations in reference thereto as he may deem expedient.

Vacancy in
office of
Mayor.

SEC. 33. When there shall be a vacancy in the office of the Mayor or the Mayor shall be absent from the city, or from other cause may be prevented from attending to the duties of his office, the Common Council shall appoint one of their number who as President pro tem of the Common Council shall also be ex officio Mayor of said city during such vacation, and shall in all respects be legally qualified to discharge the duties of such position; and if such vacancy be so filled for the period of one

month such incumbent shall be entitled to the emoluments of such office for such period of time.

SEC. 34. The Mayor shall receive as a salary the sum of six hundred dollars per annum, the same to be paid quarterly from the General Fund of said city; he shall also be entitled to collect and receive for the execution of any deed, contract, or lease for any real estate belonging to the city other than for lots in the public cemetery, the sum of three dollars, to be collected from the parties receiving the same. Salary of Mayor.

SEC. 35. The Department of Police of said city shall be under the direction of the City Marshal, and for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon Sheriffs by the laws of this State; and his lawful orders shall be promptly executed by deputies, police officers, watchmen and constables in said city, and every citizen shall also lend him aid when required for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority, to enforce all ordinances passed by the Common Council and arrest all persons guilty of a violation of the same, to prosecute before some competent tribunal for all breaches or violations of city ordinances; he shall also have the charge of the city prison and prisoners confined therein and all those who are sentenced to labor upon the streets or public works of the city, and shall see that all orders and sentences in reference to such are fully executed and complied with. Police Department.

SEC. 36. The City Marshal shall also perform the duties of Street Commissioner, and in reference thereto he shall be governed by the provisions of this charter and such laws and regulations in reference thereto as are now in force or may hereafter be adopted by the Common Council. Street Commissioner.

SEC. 37. He shall receive for his services as such City Marshal and Street Commissioner the sum of one hundred and sixty dollars per month, to be paid monthly from the General Fund. He may also, with the concurrence of the Common Council, appoint one or more deputies, whose only compensation shall be such as may be allowed and fixed by the Mayor and Common Council. The City Marshal, his deputies, and the policemen of said city, shall charge, collect, and be entitled to receive while in the discharge of their official duties, the same costs or fees as are by law allowed to Sheriffs and Constables for like services; and all such costs and fees received by them or either of them, shall be paid into the City Treasury as dues to the city, and shall be by the Treasurer placed to the credit of the General Fund of said city; *provided*, all costs and fees collected by them in any criminal case other than those arising under the provisions of this Act, or of any ordinance of the City of San José, shall be retained by them or either of them. Salary of City Marshal and Street Commissioner.

SEC. 38. It shall be the duty of the City Marshal, Deputy Marshal, and policemen of said city to execute all process issued

Duty of
City
Marshal.

by any Justice of the Peace of San José Township, officiating as Police Justice or otherwise, or from other legal authority, commanding his services as such officer; and the City Marshal shall, by himself or deputy, attend upon the Court officiating as a Police Court, to be in attendance at all meetings of the Common Council, and to do and perform such other duties as may be required of him by the Mayor and Common Council. He may also, with the concurrence of the Mayor, when the same may be deemed necessary for the preservation of public order, appoint additional policemen, men of sobriety and good moral standing in the community, who shall discharge the duties assigned to them for one day only, but shall be entitled to receive no pay from the city.

Bond of
City
Assessor
and Clerk.

SEC. 39. The City Assessor and Clerk, before entering upon the duties of his office, shall give a bond in the sum of five thousand dollars, or such greater sum as the Mayor and Com-

Assessment
list.

mon Council may by ordinance direct, conditioned for the faithful discharge of the duties of his office, and whose duties it shall be as City Assessor in each year, between the first day of May and the first day of August, to make out a true list of all the taxable property within the limits of said city, which list, when so made out and certified by him, shall be placed in the hands of the Common Council for equalization. The mode of making out such list and ascertaining the value of property shall be the same as prescribed by law for assessing State and county taxes. It shall be his duty as City Clerk to keep a true and correct record of all the business transacted by the Com-

Duty of
City Clerk.

mon Council. He shall sign as City Clerk and issue to the Collector license certificates for all branches of business for which a license may be required, and take his receipt therefor. He shall keep a true list of all such issued by him, and the amount of money received by the Collector therefor. He shall apportion the taxes upon the assessment, and make out and deliver to the City Collector a tax list in the usual form as soon as practicable after the Common Council, as a Board of Equalization, have equalized the assessment, and to do and perform all such other duties as may be prescribed by this Act, or as by ordinance or otherwise may be required of him by the Common Council. It shall be the duty of the City Clerk to report to the Common Council quarterly a full and detailed statement of the receipts and disbursements of the city government, and the state of each particular Fund, and at the end of the fiscal year to make a full and detailed statement of the receipts and expenditures of the city during said year, specifying the different sources of revenue and the amount received from each, the several appropriations made by the Common Council, and the objects for which they were made, and the amount of money expended under each, evidences of indebtedness issued, and what portion thereof remains outstanding, with the rate and amount of interest due thereon. He shall be deemed qualified to administer oaths or affirmations. He may, with the concurrence of the Mayor and Common Council, appoint one or more deputies; but the city shall not be liable for the pay of such deputies.

SEC. 40. For his services as such Assessor and City Clerk he shall receive a salary of one thousand nine hundred and twenty (\$1,920 00) dollars per annum payable monthly as follows: one hundred and sixty dollars (\$160 00) per month for the first quarter, two hundred dollars (\$200 00) per month for the second quarter, one hundred and sixty dollars (\$160 00) per month for the third quarter, and one hundred and twenty dollars (\$120 00) per month for the fourth quarter of the fiscal year; he shall also be entitled to collect and receive for drawing and making out any deed for real estate sold by the city (other than burial lots) the sum of two dollars; and for any transcript of the records or copies of papers in his office, such fees per folio and for certificates as is by law allowed to the County Recorder of Santa Clara County for like services.

Salary of
Assessor
and Clerk.

SEC. 41. The City Treasurer and Collector shall, before entering upon the duties of his office, give such bonds as may be required of him by the Mayor and Common Council. It shall be his duty to collect all license taxes that shall at any time be due the city, and to receipt for the same; to receive the tax list and upon receipt thereof to proceed to collect the same, at the same time and in the same manner as is prescribed by law for the collection of State and county taxes—the said Collector and Treasurer being hereby vested with all and the same powers to make collection of taxes as is or shall hereafter be conferred upon Collectors for the collection of State and county taxes; and it shall be his duty to collect in the same manner and with the same authority any tax list or assessment placed in his hands without any unnecessary delay, and to place all taxes, license, and other moneys collected by him belonging to the city in the City Treasury, and on the first Monday of each and every month, or as much oftener as the Mayor and Common Council may by ordinance direct, file with the City Clerk his affidavit stating the amount of money collected by him belonging to the city for the preceding month, or for such other period of time as may have been prescribed, the sources from which the same has been received; and said affidavit shall be subscribed and sworn to. It shall be the duty of said City Collector and Treasurer to receive and safely keep all moneys that shall come into his hands belonging to said City of San José, for all of which he shall give duplicate receipts, one of which receipts shall be filed with the City Clerk. He shall pay out said money by order of the Mayor and Common Council on a warrant issued by the Mayor and countersigned by the City Clerk, and shall perform such other duties as may be by ordinance required of him by said Mayor and Common Council; and for his compensation as such Treasurer and Collector he shall receive a salary of one hundred and thirty dollars per month, payable monthly. The City Collector and Treasurer shall make quarterly settlements with the City Clerk, and shall file with said Clerk a sworn abstract of the same.

Bonds of
Treasurer
and
Collector.

Duty of.

SEC. 42. All city officers, whether elected by the people or appointed by the Mayor and Common Council, shall, before entering upon the duties of their office, take and subscribe the oath of office prescribed by law; and all of such officers other than the members of the Common Council, or of the Board of

Official
oaths and
bonds.

Same. Education, shall each, before entering upon the duties of his office, give a bond with sureties to be approved of by the Mayor and Common Council, payable to the City of San José in such sum as may be fixed by ordinance, conditioned for the faithful performance of the duties of his office, as required by law and the ordinances and regulations passed and approved by the Mayor and Common Council of the said City of San José. Should the bond of any officer become insufficient he shall give such additional security as the Mayor and Common Council may require, and upon his failure to do so at the time required, or within five days thereafter, his office shall be declared vacant, and may be filled as herein provided for. The official bond of every officer named in this Act, except the bond of the City Assessor and Clerk, shall be filed in the office of the City Clerk. The official bond of the City Assessor and Clerk shall be filed with the Mayor of the City of San José.

Police
Justice.

SEC. 43. Justices of the Peace of San José Township are hereby declared competent to discharge all the duties of Police Justice for the City of San José, and for all services and proceedings before a Justice of the Peace in a criminal proceeding or action arising under the provisions of this Act or of any ordinance which may now or hereafter be in force in said city, he shall have and be entitled to receive from the City of San José the sum of one dollar and fifty cents, payable out of the General Fund; and all fines imposed by such Justices for any breach of the peace within the corporate limits of the City of San José, or for any violation of the city ordinances, shall be paid into the City Treasury and placed to the credit of the General Fund; and it is hereby expressly provided that no demand shall be allowed or warrant drawn in favor of any Justice of the Peace who shall fail to pay into the City Treasury the fines collected in criminal cases where the crime shall have been committed within the corporate limits of the City of San José, when such crime by law is punishable by fine, and if paid would have, under the provisions of this Act, been justly due and applicable to the General Fund of the city.

Mayor to
hold Police
Court.

SEC. 44. If at any time the Justices of the Peace of San José Township refuse or fail to perform the duties of Police Justice as by this Act required, it shall be competent and is hereby made the duty of the Mayor, to hold such Court with all such jurisdiction and authority as is conferred by law upon Justices of the Peace in all criminal matters wherein the crime may have been committed within the corporate limits of said city, and for all violations of city ordinances, and shall be entitled to collect and retain the same fees in all cases as by law and the provisions of this Act would be paid to such Justices.

Board of
Education.

SEC. 45. The Board of Education of the City of San José shall consist of three Trustees, elected from each of the school districts which now or hereafter may exist in said city, and on the last Saturday in April, A. D. eighteen hundred and seventy-two, between the hours of two o'clock P. M. and six o'clock P. M., and yearly thereafter, there shall be elected in each of the school districts of said city, at the public school house of each district, by the legal and qualified voters therein, one School Trustee to fill such vacancy as may occur by the expiration of the term of

any one of the three Trustees elected under and by virtue of the general school law of the State of California; *provided*, that whenever new school districts shall be made within the limits of said city, the Trustees of any such district shall be elected and their term of office determined as therein prescribed. Written or printed notices of the election of Trustees shall be posted on three of the most public places in each of the school districts for at least five days previous to such election, by the Clerk of the Board of Education. It shall be the duty of the Board of Education to appoint one Inspector and two Judges of such election in each of the school districts, causing written notices of such appointments to be given to such appointees. If said appointees, or any of them, fail to attend, then it shall be the duty of the electors assembled to elect such others as may be required to fill any and all vacancies. Two Clerks shall also be appointed by the officers thus elected or appointed, and all of said officers of election shall take the oath of office prescribed by law for Inspectors and Judges of State and county elections. The election shall be conducted in the same manner as provided by the general school law of the State of California for the election of School Trustees, and the returns thereof shall be made to the Board of Education within five days after the election, who shall, at their first meeting thereafter and previous to the first day in June, canvass said returns and declare the result. It shall be the duty of the President to issue certificates of election to be countersigned by the Clerk of the Board of Education, and administer the oath of office to the Trustees elected. The Board of Education, as constituted aforesaid, shall exercise a general supervision and control of the public schools of the City of San José, and shall meet on the first Thursday of each and every month, and as much oftener as business pertaining to the schools may require, and may be called together at any time by the President. At the first regular monthly meeting of the Board of Education in July of each and every year, and after the newly elected Trustees have been sworn in, and at any other meeting where from any cause it may become necessary, they shall elect a President from their own body, who shall preside at all meetings of the Board and shall be entitled to a vote, and if absent, one of the members may be chosen to preside in his stead. A majority of the members shall constitute a quorum to transact business, but a smaller number may adjourn from time to time. The Board may determine the rules of its own proceedings, provided they do not conflict with the provisions of this Act. Its sessions shall be public, and its records shall be open to public inspection.

SEC. 46. The Board of Education shall have power:

First—To establish and maintain public schools, and to establish school districts, and to fix and alter the boundaries thereof. Powers of Board.

Second—To employ and dismiss the City Superintendent, teachers, janitors, and School Census Marshals, and to fix, alter, allow, and order paid their salaries or compensation, which, for any Superintendent or teacher, shall not exceed the sum of fifteen hundred dollars per annum; *provided*, that the term of employment of the Superintendent and teachers shall expire on or before the last day of June of each and every year,

Powers of
Board.

and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board, and to withhold for good and sufficient cause the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Third—To make, establish, and enforce all necessary and proper rules and regulations not contrary to law for the government and progress of public schools within the said city, the pupils therein, and the teachers thereof, and for carrying into effect the laws relative to education; also, to establish and regulate the grade of schools, and to determine what text books, course of study, and mode of instruction shall be used in said schools.

Fourth—To provide for the school department of said city, fuel, light, water, blanks, blank books, printing, stationery, and such other articles, materials, or supplies as may be necessary and appropriate for use in schools or in the office of Superintendent, and to incur such incidental expenses as may be necessary for the support and maintenance of said schools.

Fifth—To alter, repair, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and school appliances, and to insure any and all school property.

Sixth—To lease for a term not exceeding ten years any unoccupied property of the school department not required for school purposes.

Seventh—To determine annually the amount of taxation, not exceeding thirty-five cents on each one hundred dollars valuation upon the assessment roll, to be raised by tax upon the real and personal property of the city not exempt from taxation, for the establishment and support of the free public schools therein, and for carrying into effect all the provisions of law relative to public schools; and the amount so determined by said Board of Education shall be reported to the Common Council of said city on or before the third Monday in April in each year; and the said Common Council are hereby authorized and required to levy and cause to be collected, at the same time and in the same manner of levying and collecting other city taxes, the amount of taxation so determined and reported to them by the said Board of Education as a school tax upon all the taxable property of said city, and said tax shall be in addition to all other amounts levied for city purposes.

Eighth—To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand for good cause, of which the Board shall be the sole judge.

Ninth—To order paid monthly from the School Fund of said city the salary of the City School Superintendent.

Tenth—To prohibit any child under six years of age from attending public school, and generally to do and perform such other acts as may be necessary and proper to carry into effect the powers of said Board granted by this Act and by ordinance of the Common Council of the City of San José.

Superin-
tendent ex
officio Clerk

SEC. 47. The City Superintendent of Public Schools shall be ex officio Clerk of the Board of Education, and shall have power to administer oaths or affirmations concerning any

demand upon the Treasury, payable out of the School Fund, or other matters relating to his official duties.

SEC. 48. At the last session of the Board of each school term of the year, before proceeding to other business each Trustee shall be called on to report the condition of the school or schools in his district and the circumstances and wants of the inhabitants thereof in respect to education, and to suggest any defect he may have noted and improvement he would recommend in school regulations. Report of Trustees.

SEC. 49. Before giving out any contract, or incurring any liability other than for salaries for expenditures herein authorized to any amount exceeding two hundred dollars, the Board of Education shall cause notice to be published for at least five days, inviting sealed proposals for the object contemplated. All proposals offered shall be delivered to the Superintendent of Public Schools, and said Board shall, in open session, open, examine, and publicly declare the same and award the contract to the lowest responsible bidder; *provided*, said Board may reject any and all bids, should they deem it for the public good so to do. Proposals for contracts.

SEC. 50. No School Trustee or Superintendent shall be interested in any contract pertaining in any manner to the school department of said city, and all contracts in violation of this section are declared void, and any Trustee or Superintendent violating or aiding in the violation of the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 51. No teacher shall be employed in any of the public schools of the city without having a certificate issued under the provisions of the general school law of the State of California, and shall have given evidence of good moral character, ability, and fitness to teach, nor shall any person be employed as City Superintendent unless at the time of such employment he shall be possessed of the proper educational qualifications to discharge the duties of said office as required by this Act and the said State school law. Teachers' certificates.

SEC. 52. The City Superintendent shall report to the Board of Education annually, and at such other times as they may require, on all matters pertaining to the progress of the schools since the last annual report, their condition at the time of making such report, the condition of the houses, lots, and furniture, the number of teachers employed and pupils taught in each of the primary, intermediate, grammar, and high schools, and the cost per pupil, including all ordinary expenses, the amount of the several expenditures for school purposes during the year, with such recommendations as he may deem proper; and he shall file with the City Clerk a true and correct copy of such annual report. Superintendent to report.

SEC. 53. It shall be the duty of the Superintendent to visit and examine each school at least once in every month; to observe and cause to be observed such general rules for the regulation, government, and instruction of the schools not inconsistent with the laws of the State as may be established by the Board of Education; to attend the sessions of the Board and to inform them at each session of the condition of the public schools, school houses, school funds, and other matters connected there- Duty of Superintendent.

with, and to recommend such measures as he may deem necessary for the advancement of education in the city. He shall acquaint himself with all the laws, rules, and regulations governing the public schools in said city and the judicial decisions thereon, and give advice on subjects connected with the public schools gratuitously to officers, teachers, pupils, and their parents and guardians, and shall do and perform such other duties as may be required of him by the Board of Education.

Vacancies.

SEC. 54. Any vacancy in the office of School Trustee shall be filled by appointment by the Board of Education, and such appointees shall hold office respectively until the election next ensuing and the election and qualification of their successors in office, but no such appointment shall be valid unless the appointee be at the time of appointment an elector in the district wherein the vacancy occurred.

School
Fund, how
constituted

SEC. 55. The school funds of the City of San José shall consist of all moneys received from the State School Fund, and all moneys received from a due apportionment of the County School Fund, and all moneys levied and collected for school purposes within said city, all moneys accruing from the rent, sale, or exchange of any school property, and of such other moneys as may from any source whatever be paid into said School Fund. The said School Fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this Act. No fees or commissions shall be allowed or paid for keeping or disbursing any school moneys, and if at the expiration of the fiscal year any surplus remains in the School Fund such surplus moneys shall be carried forward to the School Fund of the next fiscal year, and shall not be for any purpose whatever diverted or withdrawn from said Fund except under the provisions of this Act.

School
Fund, how
applied.

SEC. 56. The School Fund shall be used and appropriated by the Board of Education for the following purposes, to wit:

First—For the payment of the salaries or wages of teachers, janitors, School Census Marshals, and other persons who may be employed by the said Board.

Second—For the alteration, repair, rent, and furnishing of school houses.

Third—For the insurance of school property.

Fourth—For supplying the school with lights, fuel, water, apparatus, blanks, blank books, and necessary school appliances, together with books for indigent children.

Fifth—For supplying books, printing, and stationery for the use of the Superintendent and Board of Education, and for the incidental expenses of the Board and department.

Sixth—For the purchase of lots for school purposes; for the erection of school buildings; for the payment of interest which may be due on school bonds, and the redemption of the same; for the discharge of all legal incumbrances which may exist on school property; and for the grading, fencing, and improving of school lots.

SEC. 57. All claims payable out of the School Fund, excepting the coupons for interest, and the school bonds which may hereafter be issued according to the provisions of this Act, shall be filed with the Clerk of the Board, and after they have been

approved by a majority of all the members elect of said Board they shall be signed by the President of the Board of Education, whose signature indorsed on each claim shall be a certificate of its approval by the Board. It shall then be the duty of the Clerk of said Board to issue warrants for the amount of said allowed and certified claims in favor of the claimant, which warrant shall be countersigned by said President. All demands for teachers' salaries shall be paid monthly. Claims
on Fund.

SEC. 58. Demands on the School Fund may be audited and approved in the usual manner, although there shall not at the time be money in the Treasury for the payment of the same; *provided*, that no demand on said Fund shall be paid out of or become a charge against the School Fund of any subsequent year; and further *provided*, that the entire expenditures of the school department for all purposes shall not in any fiscal year exceed the revenue for school purposes for the same year.

SEC. 59. All demands authorized by this Act, when audited and approved and warrants issued thereon as herein prescribed, shall be presented to the City Treasurer for payment, and the said Treasurer is hereby authorized and required to pay the same from the School Fund of the city; *provided*, the said Board of Education shall not have any power to contract any debt or liability in any form whatsoever against said city in contravention of this Act.

SEC. 60. All lots known as school lots, and all lots and lands School lots. either within or without the corporate limits of the City of San José, dedicated and belonging to said city, not heretofore disposed of by ordinance, or sold and by deed transferred to individual purchasers, either by the Common Council or by those acting as Commissioners of the Funded Debt of said city, are hereby fully vested in the Mayor and Common Council of said city, in trust for the use and benefit of the public schools of the City of San José; and the Mayor and Common Council are hereby authorized to sell, transfer, or exchange the same for other lots and lands, if in their opinion the interest of the public schools will be best secured by so doing; and all money received from such sales shall not be diverted from the School Fund of said city; *provided*, that nothing in this section or in this Act shall be so construed as to give the Mayor and Common Council power to sell, transfer, or dispose of any of the streets or public squares of said city, except that portion of San José street and Market Square not included in the present map of Market Square, as approved by the Mayor and Common Council, which portion of San José street and Market Square may be sold by the Mayor and Common Council, and the proceeds of such sale shall be appropriated for the purpose of improving and adorning said Market Square; and nothing herein contained under any of the provisions of this Act shall be so construed as to transfer the jurisdiction from or deprive the Mayor and Common Council of the right of exercising the jurisdiction and control of all the public lands dedicated and belonging to the City of San José, within or without the corporate limits thereof, or from suing in any and all Courts of competent jurisdiction

for the possession or the fee simple of any such lands; and any and all actions now pending or hereafter to be commenced, either in reference to the school lands of said city or for any other lands or property, shall be in the name and style of the Mayor and Common Council of the City of San José.

Acts
applying.

SEC. 61. The provisions of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, and all Acts amendatory of or supplemental thereto, and all provisions and Acts made applicable thereto, in so far as the same pertains to the raising of revenue by ad valorem taxation, and so far as said Acts are not inconsistent with the provisions of this Act, are hereby made applicable to any and all proceedings for raising revenue by ad valorem taxation for city purposes, as heretofore provided in this Act; *provided*, that the Common Council shall have power by ordinance to restrict the operation of any of the provisions of the Acts mentioned in this section, as it may seem to them proper.

Compensation fixed
by Council.

SEC. 62. The Common Council shall have the power to fix the amount and mode of paying the compensation of all officers performing services for the city in collecting delinquent taxes; *provided*, that the County Clerk and Sheriff shall have the same fees in such cases, and to be paid in the same way as are allowed them in suits for the collection of taxes levied for State and county purposes.

City reservation.

SEC. 63. All that certain tract or parcel of land situate and lying in the County of Santa Clara and State of California, and being a portion of the pueblo lands of the City of San José, and commonly known as the "City Reservation," and containing four hundred acres and fifty-five hundredths of an acre of land as surveyed by J. J. Bowen, County Surveyor of Santa Clara County, March twenty-eighth and twenty-ninth, eighteen hundred and sixty-seven, be and is hereby declared a public park, and the Mayor and Common Council of said city are hereby authorized and empowered to pass such ordinances as may be necessary for the preservation of such reservation or park for public use; but said Mayor and Common Council shall have no power to sell or dispose of or alienate the said park or reservation; *provided*, however, that said Mayor and Common Council may lease the same for a term not exceeding ten years, upon such terms and conditions as they may deem proper, but such lease shall not authorize or permit any use or disposition of said park or reservation as to prevent the free use thereof during the existence of such lease, by the people of said city as a public park.

Public
park.

Cemeteries

SEC. 64. In addition to the powers hereinbefore granted, the Mayor and Common Council of the City of San José shall have power to purchase lands for cemeteries or burial grounds, and to provide for the government, care, and regulation of the same, and for the sale and disposal of burial lots therein; to provide for the numbering of houses and places of business; to establish a Public Pound, appoint a Poundkeeper, and prescribe his duties and compensation; and to prevent, regulate, or license the running at large of any or all domestic animals; to examine, either in open session or by committee, the books, papers, vouchers,

Pound.

and reports or statements of the several city officers, and to allow and order paid from the General Fund their several salaries, except as herein otherwise provided.

SEC. 65. The style or enacting clause of all ordinances of the City of San José shall be: "Be it ordained by the Mayor and Common Council of the City of San José as follows." Style of ordinance.

SEC. 66. The fiscal year in and for the City of San José shall commence upon the first day of April of each year and end on the thirty-first day of March thereafter. Fiscal year

SEC. 67. "An Act to reincorporate the City of San José," approved March seventeenth, A. D. eighteen hundred and sixty-six, be and the same is hereby repealed; *provided*, that the ordinances and proceedings of the Mayor and Common Council of the City of San José and of the authorities of said city shall in no wise be affected by such repeal; and *provided* further, that the validity of any and all rights, titles, claims, or demands acquired by said City of San José or against it by or against any person or firm under said Act or laws made thereunder, shall not be impaired or affected by the provisions of this Act. Repealing.

SEC. 68. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLV.

An Act to continue the Geological Survey of the State of California.

[Approved March 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the State Geologist to proceed and with all reasonable diligence complete the Geological Survey of this State, and the publication of the results thereof. Geological survey.

SEC. 2. The sum of two thousand dollars per month, payable monthly for the period of two years from and after the twenty-fifth day of March, A. D. eighteen hundred and seventy-two, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the expenses of said survey and publication, and the Controller is hereby directed to draw his warrants upon the Treasurer and in favor of the State Geologist therefor. Appropriation.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLVI.

An Act to authorize the Board of Supervisors of Tehama County to levy a special tax for school purposes in the School District of Red Bluff, in Tehama County.

[Approved March 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

School tax. SECTION 1. The Board of Supervisors of Tehama County are hereby authorized and required, in addition to the ordinary taxes for school purposes, in the year eighteen hundred and seventy two, to levy upon the property in Red Bluff School District, and collect at the same time and in the same manner as other county revenues of said county are levied and collected, a special tax, to be called the Red Bluff School District Tax, for general school purposes, of one dollar on each one hundred dollars of taxable property in said school district; which tax shall be collected in gold coin of United States, and paid over to the County Treasurer of said county as other school moneys are paid, and placed by him to the credit of said school district and held subject to the order of the Trustees of said district for general school purposes, to be drawn in the same manner as other school moneys are drawn, and no percentage shall be allowed for the collection or disbursement of the funds arising from said tax.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER CCLVII.

An Act to amend an Act entitled "An Act to incorporate the City of Gilroy," approved March twelfth, eighteen hundred and seventy.

[Approved March 13, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Boundaries SECTION 2. The boundaries of the City of Gilroy shall be as follows: Commencing at a point in the center of Monterey street, situated south twenty degrees, east fifty-seven chains from the center of said street, where the south boundary line of Fourth (formerly Bodfish) street intersects said Monterey street; thence running westerly, at right angles with said Monterey street, forty chains; thence northerly, at right angles, and parallel with said Monterey street, one hundred and twenty-one

chains; thence easterly, and at right angles with said last mentioned line, eighty chains; thence southerly, and parallel with said Monterey street, one hundred and twenty-one chains; and thence at right angles westerly, forty chains, to the place of beginning.

SEC. 2. Section four of said Act is hereby amended so as to read as follows:

Section 4. On the first Monday of May, A.D. eighteen hundred and seventy-two, and on the first Monday of May in each alternate year thereafter, a charter election shall be held, at which the legally qualified voters of said city shall elect the several respective officers as hereinafter provided, viz: a Mayor, Clerk, Treasurer, and a Marshal, who shall hold their offices for the term of two years, and until their successors are duly elected and qualified. Three Councilmen shall be elected on the first Monday of May, A. D. eighteen hundred and seventy-two, for the term of two years, in the place of those members of the present Common Council whose term of office expires at said time, and the members of the present Common Council whose term of office expires in eighteen hundred and seventy-three shall continue in office until the charter election on the first Monday of May, A. D. eighteen hundred and seventy-four, at which last named charter election, and at every succeeding charter election thereafter, there shall be elected six Councilmen, who shall hold their offices for the term of two years, and until their successors are duly elected and qualified.

Charter
election.

SEC. 3. Section nine of said Act is hereby amended so as to read as follows:

Section 9. The Common Council shall determine the rules of its own proceedings, shall judge of the qualifications of its own members, keep a journal of its proceedings, compel the attendance of its members, and punish for disorderly conduct, and for such conduct may expel a member by a two-thirds vote. They shall have power to pass all and proper and necessary laws for the regulation, improvement, and sale of lands and other property of the city, except the sale and disposal of public squares; to license all and every kind of business authorized by law and transacted or carried on in said city; to fix the rates of license tax upon all such business, which shall not exceed the amount fixed by law for State and county purposes, with fifty per cent added thereto; *provided*, that in the business of selling intoxicating drinks in less quantities than one quart, and on any other business not provided for by law, the amount of license shall be fixed at their discretion as they may deem the interest and good order of the city may require; to purchase, hold, and lease property on which to erect suitable buildings for public schools and fire department of the city, including lands and structures required for public use and utility of the city; to purchase, sell, hold, and maintain fire engines and all implements for the prevention and extinguishment of fires; to organize and maintain a Fire Department and establish fire limits; to construct wells and cisterns and viaducts to supply the city with water; to lay out, alter, open, improve, cleanse, and repair the streets and sidewalks; to repair any property of the city; to regulate for the protection of health, cleanliness,

Power and
duties of
Common
Council.

Same.

ornament, peace, and good order of the city; to prevent and remove nuisances; to establish prisons; to provide for the care and regulation of prisoners; for the employment of vagrants and prisoners upon the public works of the city; to prohibit and suppress gambling houses and houses of ill fame, all indecent and immoral amusements and exhibitions; regulate the location of slaughter houses, markets, and houses for the storage of gunpowder and other combustibles; to impose and appropriate fines, penalties, and forfeitures for any and all violation of city ordinances; and for a breach or violation of any city ordinance may fix the penalty by fine or imprisonment, or both fine and imprisonment, but no such fine shall exceed one hundred dollars, or such imprisonment for a term exceeding thirty days for any one offense, or may sentence to labor on the streets or public property of the city; to levy and collect taxes upon all the taxable property within the city, which for city purposes, as apportioned to the General Fund for current expenses, shall not exceed one half of one per cent upon the assessed value thereof; to establish a City Pound and provide by ordinance for the impounding of all stock and animals running at large within the limits of the city, and for the sale thereof after due notice has been given in case the same are unreclaimed by their owners; to pass such ordinances, resolutions, and by-laws for the regulation of the police and entire government of said city as may not be inconsistent with the provisions of this charter, or with the Constitution and laws of this State, or of the United States.

SEC. 4. Section ten of said Act is hereby amended so as to read as follows:

Debt.

Section 10. The Common Council shall not create, audit, or allow, nor permit to accrue, any debts or liabilities above the actual revenue and available means in the Treasury that may be legally apportioned and appropriated for such purposes; nor shall any warrant be drawn nor evidences of indebtedness be issued unless there shall be sufficient money in the Treasury justly applicable to meet the same, except as hereinafter provided; *provided*, that for the purpose of purchasing a fire engine and apparatus, engine house, and equipping the Fire Department, the Common Council may create an indebtedness not exceeding three thousand dollars, and may issue bonds therefor bearing interest at a rate not to exceed ten per cent per annum, and payable at such time as they may deem best, not to exceed ten years from their issue, and may provide by levying of an extra tax for a Fund wherewith to redeem the said bonds.

SEC. 5. Section forty-seven of said Act is hereby amended so as to read as follows:

Police Court.

Section 47. A Police Court is hereby established in said city, which shall be presided over by one of the Justices of the Peace of Gilroy Township, which Court shall have exclusive jurisdiction of all violations of city ordinances of the City of Gilroy, and of all crimes and misdemeanors committed within the corporate limits of the City of Gilroy of which Justices of the Peace now have jurisdiction, and said Court shall have all such jurisdiction and authority as is conferred by law upon Justices of the Peace in all criminal matters wherein the crimes

may have been committed within the corporate limits of said Same. city, and shall take judicial notice of all the ordinances and by-laws of the city; and the Justice holding such Court shall be entitled to collect and retain the fees in all cases as by law would be paid to a Justice of the Peace for like services. If at any time the Justice of the Peace designated, as hereinafter provided, refuse or fail to perform the duties of Justice of said Court, the other Justice of the Peace of said township shall perform the duties of Justice of said Court, and in case of the failure of both of the Justices of the Peace of said township to perform said duties, it shall be competent, and is hereby made the duty of the Mayor to hold such Courts with all such jurisdiction and authority and powers as is by this Act conferred upon a Justice of the Peace when holding said Court. It shall be the duty of the Common Council on the first meeting in January of every year to designate one of the Justices of the Peace of said township to act as Justice of said Court for the ensuing year, and the Common Council of said city shall, after the passage of this Act, designate one of said Justices of the Peace to act as Justice of said Court until the first meeting of the Common Council in January, A. D. eighteen hundred and seventy-three.

CHAPTER CCLVIII.

An Act to amend an Act entitled "An Act to authorize the Exempt Fire Company of San Francisco to receive and manage the San Francisco Fire Department Charitable Fund, and receive from the City and County of San Francisco a house and lot for its use," approved April second, eighteen hundred and sixty-six.

[Approved March 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. The Directors of the Exempt Fire Company of the City and County of San Francisco shall succeed and be entitled to the "Fund" of the "San Francisco Fire Department Charitable Fund," and said "Fund" is hereby transferred and vested in said Directors of the Exempt Fire Company aforesaid, and the Trustees of the "San Francisco Fire Department Charitable Fund" are empowered and directed to make, execute, and deliver all transfers and assignments necessary to completely and fully vest said "Fund" in the Directors of the "Exempt Fire Company," who are authorized to loan the same only on real estate security situate in the said City and County of San Francisco, and the said company is authorized and empowered to make from time to time such by-laws, rules, and regulations as may

Transfer
of funds.

be necessary to preserve and sustain said Fund, and govern the application thereof.

Member-
ship in
Exempt
Fire
Company.

SEC. 2. Any "Exempt Fireman" of the San Francisco Fire Department failing to make application for membership in the "Exempt Fire Company" within one year from the passage of this "Act" shall be debarred from any benefit in the "Fund" aforesaid; *provided*, the Secretary of the Exempt Fire Company shall first give written notice of the provisions of this section to all persons entitled to membership, and that a copy of the section be published for ninety days in one daily newspaper published in the City and County of San Francisco.

Repealing.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLIX.

An Act supplemental to an Act entitled "An Act to raise a Fund for the improvement of Napa City," approved January twenty-fourth, eighteen hundred and seventy.

[Approved March 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Additional
tax.

SECTION 1. In addition to the tax authorized by the Act to which this Act is supplemental, the Board of Supervisors of Napa County, at their first meeting after the passage of this Act shall, and they are hereby required to levy a tax on all the taxable property, real and personal, in Napa City and the several additions thereto, including Alta, Napa, Lawley's addition to Alta, Napa, and Spencer's and Boggs' addition to Napa City, sufficient to pay the indebtedness created under an Act entitled "An Act to authorize the Board of Supervisors of Napa County to levy a tax to construct a fire engine house, and repair the engine in Napa," approved March thirty-first, eighteen hundred and sixty-six.

Surplus.

SEC. 2. Said tax shall be collected in the same manner and at the same time with other taxes for State and county purposes, and paid over to the County Treasurer. Any surplus that may remain after paying the indebtedness provided for in this Act shall be transferred to the Napa City Fund.

SEC. 3. This Act to be in force from and after its passage.

CHAPTER CCLX.

An Act to authorize the Treasurer of San Joaquin County to transfer certain funds to the general School Fund of said county.

[Approved March 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer of the County of San Joaquin is hereby authorized and directed to transfer all moneys in his hands standing to the credit of the Congressional Section School Fund to the general School Fund of said county. Transfer of school money.

SEC. 2. The Superintendent of Common Schools of said County of San Joaquin is hereby directed to apportion said moneys pro rata among the various school districts of said county, in the same ratio and in the same manner as other school moneys are now by law apportioned. Apportionment.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXI.

An Act concerning a certain road in the County of Sierra.

[Approved March 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Supervisors of Sierra County are authorized and empowered to grant to one or more persons associated for that purpose the privilege of levying and collecting toll upon that certain road or highway known as the "South Fork and Sierra Valley Turnpike," between the Towns of Sierra City and Sierra Valley, in said county, from the first day of January till the first day of April in each year, upon the following conditions, to wit: That the said person or association shall keep open said road for the passage of teams and the transportation of freight upon sleighs or sleds, and, if required, shall give a bond, with good and sufficient surety, in such sum as the Supervisors may deem proper; and the Supervisors shall at all times have the power to regulate the rates of said toll. South Fork and Sierra Valley Turnpike.

CHAPTER CCLXII.

An Act to amend an Act entitled an Act to provide for a system of common schools, approved April four, one thousand eight hundred and seventy.

[Approved March 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ninety-five is hereby amended to read as follows:.

State School Fund, how used.
Exemption

SECTION 95. The State School Fund, excepting as otherwise provided in this Act, shall be used for no other purpose than the payment of teachers legally qualified and employed under the provisions of this Act. County school moneys may be used by the County Superintendent and Trustees for the various purposes as authorized and provided in this Act; *provided*, that the Trustees of Grant School District, Sacramento County, be and are hereby authorized to expend the special tax and County School Fund collected in said district for the fiscal year ending June thirtieth, eighteen hundred and seventy-two, in repairing and rebuilding the school house of said district.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCLXIII.

An Act to grant to the Town of San Bernardino all the interest of the State in certain real property.

[Approved March 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Transfer of title.

SECTION 1. All the right, title, interest, and claim of this State in and to all real estate which was owned by the City of San Bernardino, or which said city had any interest in at the time of the passage of the Act of the Legislature of this State entitled "An Act to repeal an Act to authorize the incorporation of the City of San Bernardino," passed April thirteenth, eighteen hundred and fifty-four, approved March sixth, one thousand eight hundred and sixty-three, which may have vested in or escheated to the State in consequence of said city incorporation becoming extinct, is hereby granted to the present incorporated Town of San Bernardino, in the County of San Bernardino, in its municipal capacity.

Corporate powers.

SEC. 2. The said municipality or incorporated Town of San Bernardino is hereby authorized to have and to hold said property to itself, its successors, and assigns forever; and by its

duly constituted authorities, to sell and dispose of the same, and to commence and prosecute to final judgment or determination any and all manner of suits and proceedings which the State might or could do in the premises to obtain and secure said property had this grant not been made.

SEC. 3. This Act shall take effect immediately after its passage.

CHAPTER CCLXIV.

An Act to authorize the Trustees of the Associated Veterans of the Mexican War to exchange certain lands for certain other property belonging to said city and county, or for a lease of such property.

[Approved March 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Mayor of the City and County of San Francisco having executed in favor of "The Trustees of the Associated Veterans of the Mexican War" a deed of conveyance of all of that certain piece or parcel of land situate in said city and county and bounded and described as follows, viz: Commencing on the easterly line of Twenty-third Avenue two hundred and twenty-five (225) feet northerly from the northerly line of Clement street, and running thence northerly along said line of Twenty-third Avenue one hundred and fifty (150) feet; thence at right angles easterly two hundred and forty (240) feet to the westerly line of Twenty-second Avenue; thence southerly along said line of Twenty-second Avenue one hundred and fifty (150) feet; thence westerly at right angles two hundred and forty (240) feet to the point of commencement, being a portion of block number one hundred and sixty (160) of the outside lands, which deed was dated the twelfth day of August, A. D. eighteen hundred and seventy, and recorded in liber number five hundred and seventy-eight of deeds, page fourteen, etc., in the office of the County Recorder of said city and county, and was authorized by an ordinance of the Board of Supervisors of said city and county.

SEC. 2. The said "The Trustees of the Associated Veterans of the Mexican War," and their successors in office are hereby empowered, at their pleasure, to execute and deliver unto the City and County of San Francisco a deed of conveyance of the premises in the first section of this Act described, at any time, upon their receipt from the Mayor of said city and county of a lease for the term of twenty-five years, rent free, or upon their receipt of a deed of conveyance from said Mayor of all that certain piece or parcel of land situate in said city and county, and generally described as follows, viz: Commencing at a point one hundred and thirty-three (133) feet westerly from Third street, and in the northerly line of Bryant street, and running

Same. thence westerly along said line of Bryant street twenty-two (22) feet, by a uniform depth northerly of eighty (80) feet. The Mayor shall, whenever he may be authorized so to do by the Board of Supervisors of said city and county, execute and deliver such lease, and receive the delivery of said deed, and the possession of the land to be conveyed thereby, as aforesaid, upon the execution of such deed and lease, or of such deeds, the title to the lands described in the first section hereof shall vest in the City and County of San Francisco, and the same may be thereafter disposed of for such public purpose of said city and county as said Board of Supervisors may at any time designate by ordinance or resolution; and such lease or deed executed by the Mayor shall inure to the benefit and use of the Trustees of the Associated Veterans of the Mexican War, and their successors in office, in trust for "The Associated Veterans of the Mexican War."

SEC. 3. This Act shall take effect immediately after its passage.

CHAPTER CCLXV.

An Act to determine who must act as Chief Justice of the Supreme Court.

[Approved March 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Chief
Justice
Supreme
Court.

SECTION 1. That Justice of the Supreme Court, elected by the people, who has the shortest term to serve under his commission is the Chief Justice after the expiration of the term of the present Chief Justice.

SEC. 2. In case two or more of the Justices of the Supreme Court shall be equally entitled to the office of Chief Justice after the expiration of the term of the present Chief Justice, and neither of the two shall voluntarily and in writing waive his right to be such Chief Justice, then such Justices shall determine by lot which of them shall hold such office, and a record of the allotment or waiver shall be entered in the minutes of the Court, and a certified copy thereof shall be transmitted to the Secretary of State and be filed in his office.

CHAPTER CCLXVI.

An Act to authorize the City of San José to issue bonds to provide sewerage for said city.

[Approved March 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The City of San José is hereby authorized to issue, either at one time or from time to time, in its corporate name, its bonds, to be known as the Sewerage Bonds of the City of San José, State of California, to such an amount, not exceeding in the aggregate the sum of one hundred thousand dollars, as the Mayor and Common Council of said city may deem necessary and proper, pledging the faith of the City of San José that at the expiration of twenty years it will pay, in gold coin of the United States, to the holder of such bond, at the office of its Treasurer in the City of San José, a sum of money to be therein stated, which shall not be less than five hundred or more than one thousand dollars; and that it will also semi-annually, on the first day of January and the first day of July, pay, at said office, interest thereon in like gold coin, at the rate of eight per centum per year, upon the delivery to the said Treasurer of the coupon for the interest then due; and each of said bonds shall contain a clause reserving to the city the right to pay said bond at its option, at any time after the expiration of ten years from its date, and that interest thereon shall cease after the expiration of six months from the first publication of a notice in the City of San José that the said city is prepared to pay the bond; *provided*, said notice is not given until after the expiration of said ten years. Sewerage bonds.

SEC. 2. Said bonds shall be prepared by the City Treasurer, and shall be numbered consecutively, and shall be recorded and signed by him, and shall then be signed by the Mayor and be delivered to the City Clerk, who shall countersign them and register them in his office. The register of the City Treasurer and City Clerk shall each show the number, date, and amount of each bond, and when it was issued, and to whom. Each bond shall have attached to it coupons for the semi-annual interest, each of said coupons bearing the number of its bond, the date when it will be due, the amount to be paid, and the number of its series in the order of becoming due, making the coupons first due number one. Said coupons shall be signed by the City Treasurer, Mayor, and City Clerk. Coupons.

SEC. 3. The Mayor and Common Council of the City of San José may dispose of the whole or any part of said bonds at one time, or from time to time, as may be deemed proper, by offering them to the highest bidder, at not less than par in gold coin of the United States, after having given at least thirty days notice in two newspapers published in the City of San José and one published in the City of San Francisco, of the time and place where and when the bids will be opened and the terms and con- Notice.

ditions, if any, that must accompany the bids. The said Mayor and Common Council shall have the right to reject the whole or any part of the bids that may be received, and they shall not have the right to make any contract or announcement to the contrary.

Sewerage
Interest
and
Sinking
Fund.

SEC. 4. Whenever any interest coupon that is due, or any bond that has become due, is presented to the City Treasurer of said city he shall pay the same out of the Sewerage Interest and Sinking Fund, and no order, authority, or warrant shall be necessary to authorize the Treasurer to make the purchases and payments required by this Act, and the delivery by him to the City Clerk of the canceled bond or coupon shall be the Treasurer's sufficient voucher in the settlement of his accounts. And so much of any law as is contrary to the provisions of this section is hereby repealed so far as it would conflict with the operation hereof.

Special tax

SEC. 5. At the time of making the annual levy of city taxes and until all the bonds issued under this Act have been paid, the Mayor and Common Council of said City of San José shall annually levy a special tax, to be known as the Sewerage Interest and Sinking Fund Tax, sufficient to pay the annual interest on the outstanding bonds issued under this Act, which shall not be less than one fourth of one per centum upon the assessed value of all the real and personal property within the said city.

Surplus.

SEC. 6. Whenever, in any year, there shall be in the Sewerage Interest and Sinking Fund a surplus of one thousand dollars or more, in addition to a sum sufficient to pay the interest due in that year, the City Treasurer shall give ten days notice in some newspaper published in the said City of San José of the amount of such surplus money, and that he will at a day and hour specified in such notice, open sealed offers for such money or any part thereof in exchange for bonds issued under this Act, and that to the extent of such surplus money he will purchase such bonds from the party offering the best terms to the city therefor; said bids shall be opened in public and in presence of the Mayor and City Clerk; *provided*, however, that he shall not make any purchase at a rate exceeding par and accrued interest. And in the event that no offer shall be made to redeem such bonds between the date of the first publication of said notice and the date appointed for the opening proposals therefor, it shall be the duty of said Treasurer to give like notice as aforesaid, that he is prepared to redeem certain of said bonds, specifying them by number, which number shall commence with the lowest number of said bonds unredeemed at the date of said notice; and the interest shall cease on such bonds so advertised from and after the expiration of the full term of said notice. All bonds and coupons when paid by said Treasurer shall be marked by him "Canceled," which indorsement shall be signed by him as such Treasurer.

Redemp-
tion.

Money,
how used.

SEC. 7. The money accruing under the provisions of section five of this Act shall not be used for any purpose whatever, except paying the interest as it accrues and the purchase and payment of bonds under this Act. The money arising from the sale of the bonds shall be paid into the City Treasury of said city to the credit of and to form a special Sewerage Fund, and

shall only be used in constructing and providing for the main sewerage of the City of San José. The surplus, if any, remaining in said Funds when the matters named in this section are wholly completed and paid for, shall be transferred to such Fund or Funds as the Mayor and Common Council of said city may direct.

SEC. 8. The Mayor and Common Council shall allow to the several officers and other persons necessarily employed in preparing the bonds authorized by this Act such reasonable compensation for their several services as may be just, which compensation shall be paid out of the General Fund. Compensation.

SEC. 9. This Act shall be printed on the back of each bond issued under it, and shall form a part of the contract between the said city and the holder of the bond. Act printed.

SEC. 10. This Act shall take effect from and after its passage.

CHAPTER CCLXVII.

An Act to provide for the construction and protection of the Alameda Road.

[Approved March 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Santa Clara are hereby empowered and required to lay out and establish a highway and sidewalks, and determine the width and grade thereof, over, along, and upon the tract of land over which the right of way was granted to said county for public use by the Act of Congress entitled "An Act to grant the right of way for the Alameda road through certain lands in California," approved July ninth, eighteen hundred and seventy. The entire width of such highway and sidewalks shall not be less than one hundred and fifteen feet. Alameda road.

SEC. 2. The said Board of Supervisors are further authorized and required to acquire the right of way of not less than one hundred and fifteen feet in width, for a highway and sidewalks over, along, and upon the said Alameda road and the roads adjacent thereto, from the northerly end or boundary of the land mentioned in the first section of this Act, to a point at or near the northerly terminus of said Alameda road. For the purpose of acquiring such right of way if the same shall not have been conveyed to said county by the persons owning the lands over which it will pass, proceedings shall be instituted in the name of said county, and be conducted under and in accordance with the laws then in force, which provide for the acquisition of the right of way for railroads in said State, so far as such laws may be applicable to such proceedings. Right of way.

Lay out
highway.

SEC. 3. When such right of way shall have been acquired, the said Board of Supervisors are hereby required to lay out and establish a highway and sidewalks, and determine the width and grade thereof in such manner that the same shall accord as nearly as practicable with the highway and sidewalks which they may establish over and upon the land mentioned in the first section of this Act.

Sidewalks.

SEC. 4. Each of the sidewalks provided for in the first and second sections shall not be less than fourteen feet in width, and the space between said sidewalks shall be laid out as a highway. The said highway and each of said sidewalks shall extend from the western limits of the City of San José to the northerly terminus of the said Alameda road; and said highway shall be of uniform width along its whole length.

Graded.

SEC. 5. The said Board of Supervisors shall have power to order from time to time such portions of the said sidewalks to be graded as they may deem necessary, and from time to time, as the public wants may require, to order any fence or other structure standing within the lines of the sidewalk to be removed, and to make all orders that may be necessary for the protection of the lines of trees standing along or upon the Alameda road or said sidewalks, and for the planting of trees in the places of such as have been or may be destroyed or may decay, and for the planting and protection of other lines of trees along or near the lines of said sidewalks. Said Board may make such further orders as may be necessary and proper for the purpose of carrying this Act into effect.

SEC. 6. When the width and grade of the sidewalks shall have been established, and when the Board of Supervisors shall have ordered any portion of a sidewalk to be graded, the respective persons owning the lands fronting on such portion of the sidewalk shall be ordered to grade the portion of the same which lie adjacent to their respective parcels of land, within a time to be specified in the order; and if any such persons shall fail to grade his portion of such sidewalk, after being notified according to the order of said Board so to do, the said Board shall order said portion or portions of such sidewalk to be graded, and the expenses thereof, when audited and allowed by said Board, shall become a lien upon the respective parcels of land, and if not paid within thirty days thereafter shall be collected in the same manner as delinquent taxes on real estate are then required to be collected. The sidewalks, after having been graded, shall be kept in repair by the respective owners of the land fronting on such sidewalks.

Engineer.

SEC. 7. In laying out and establishing such highway and sidewalks the Board of Supervisors shall employ a competent Engineer, and shall cause permanent monuments to be fixed, sufficient to mark the width and grade of the highway and sidewalks. The expense of the survey, and of the monuments and other expenses incurred under this Act not hereinbefore provided for, shall be audited and allowed by the said Board, and shall be paid out of the Road Fund of said county; *provided*, said Board of Supervisors may if they deem proper adopt, in whole or in part, any survey that has been already made of

Expenses,
how paid.

road or highway, and cause the field notes to be entered on the plat thereof.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXVIII.

An Act to amend an Act entitled "An Act to authorize the issuance of bonds by the County of San Luis Obispo to erect county buildings, and to provide a site for the same," approved April fourth, eighteen hundred and seventy.

[Approved March 14, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended to read as follows:

Section 1. The Board of Supervisors of the County of San Luis Obispo are hereby authorized and empowered to issue, on behalf of said county, bonds not exceeding in the aggregate the sum of forty thousand dollars, for the purpose of erecting a Court House for said county; such bonds to bear interest at the rate of ten per cent per annum, and of such denominations respectively as said Board shall order, with coupons for interest attached, made payable in fifteen years from the date of their issuance, at the office of the County Treasurer of said county, and the interest thereon shall be payable by the said Treasurer yearly, at his said office, upon the first Monday in January of each and every year succeeding the date of their issuance or presentation of the respective coupons therefor. Every bond so issued shall be signed by the President of the Board of Supervisors and by the Clerk of said Board; shall be countersigned by the County Treasurer and authenticated by the seal of the County Auditor, and shall purport that said county owes to the holder thereof the sum set down on said bond, in United States gold coin, payable and bearing interest as aforesaid; and the principal and interest of said bonds shall be payable in such gold coin of the United States. The first and second coupons attached to each of said bonds shall be blank as regards the amount to be paid thereon, and on the issuance of each bond respectively the Clerk of the Board of Supervisors shall insert in said blanks the amount which will be due upon each of said coupons at the date of payment; and if the time of payment of either of such coupons shall have elapsed before the issuance of the bond to which it is attached, then the said Clerk shall remove any such expired coupon, and shall cancel the same.

May issue bonds.

Interest.

Coupons.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCLXIX.

An Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara.

[Approved March 15, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Santa Clara
Avenue.

SECTION 1. The City of San José is hereby authorized and empowered to survey, grade, macadamize, and otherwise improve the street or road within the County of Santa Clara known and designated as "Santa Clara Avenue," and leading from the corporate limits of the City of San José, at the eastern terminus of Santa Clara street in said city, in an easterly direction, to extend the same to the foothills, and thence to the public lands of said city upon Penetencia Creek.

Board of
Commissioners.

SEC. 2. The Governor of this State shall appoint and commission five suitable persons, who shall act as and constitute a Board of Commissioners for the purpose of making such improvement, one of whom shall be commissioned and hold office for one year, one for two years, one for three years, and two for four years. Said Commissioners shall within two weeks after their appointment meet at the City Hall of the City of San José, and organize by selecting one of their number to act as President and one to act as Secretary of said Board. No member of said Board shall receive any compensation for any services performed by him as such member, but a sum not exceeding one hundred dollars per year may be applied to the purchase of books, stationery, and similar material. Each member of the Board shall give a bond in the sum of two thousand dollars, payable to the City of San José, and to be approved by the Mayor of said city, and be conditioned for the faithful performance of the trust hereby imposed.

Bond.

Vacancies.

SEC. 3. Whenever any vacancy shall occur in said Board, by reason of expiration of term or from any other cause, the remaining members of the Board shall, at their next regular meeting, elect by ballot a suitable person to fill such vacancy; and when the vacancy to be filled is for a portion of an unexpired term, the person elected shall hold only for the remainder of said term. A full term shall be four years. Said Commission shall remain in existence for the term of six years and no longer. No person shall be eligible to the office of Commissioner who is not a freeholder and householder in the County of Santa Clara.

Term of
office.

Special tax

SEC. 4. In addition to the ordinary taxes levied for municipal purposes in the City of San José, and for county purposes in the County of Santa Clara, there shall be levied each year, for the two years next ensuing after the passage of this Act, upon the real and personal property within the city of San José, and upon the real and personal property owned and situate without the limits of said city and within two parallel lines distant three fourths of one mile on each side of the center

of said proposed road, and from the eastern boundary of said city to the terminus of said road, a special tax of ten cents on each one hundred dollars; and for the three succeeding years thereafter, yearly, a special tax of five cents on each one hundred dollars. Such special taxes shall be assessed, levied, and collected on all the taxable property in the City of San José at the same time, in the same manner, and by the same officers as the general taxes are assessed, levied, and collected; and on all the taxable property without the limits of said city and included within the two parallel lines hereinbefore referred to and the eastern boundary of said city and the terminus of said road. Such special taxes shall be assessed, levied, and collected each year at the same time, in the same manner, and by the same officers that State and county taxes are assessed, levied, and collected in the County of Santa Clara; and said officers of said City of San José, and said officers of said County of Santa Clara, are hereby required and it is hereby made their duty to levy, assess, and collect the said special taxes. The County Tax Collector of said county and the Tax Collector of said city shall each, on the receipt of such taxes, pay the same over to the City Treasurer of the City of San José, taking his receipt therefor.

SEC. 5. The City Treasurer of the City of San José shall keep, with the moneys of said city, the money by special taxes thus collected, and shall designate the same in the Funds and upon the accounts of his office as the "Santa Clara Avenue Improvement Fund;" and said Treasurer shall pay out said money upon the written order of the President of said Board, countersigned by the Secretary; *provided*, that no order shall be drawn or issued other than for claims and demands which shall have been first audited and allowed by said Board.

SEC. 6. Said Commissioners shall expend said Fund in surveying, grading, and macadamizing Santa Clara Avenue, leading from the eastern terminus of Santa Clara street in said city, easterly to the foothills, and the road leading from thence to the public lands of said city, upon Penetencia Creek, and in planting said road and grounds with shade and ornamental trees, and generally in improving and beautifying said road and the park herein provided for. Said Commissioners may proceed under the general laws of this State, and in the name of said city, to condemn such additional land as may be required for the purpose of said road; which road thus laid out shall not exceed one hundred feet in width, and shall ever remain open to the public free of charge. The grading and macadamizing of said road shall be let by said Board of Commissioners in sections, to be designated by them, to the lowest responsible bidder, after reasonable notice by advertisement given thereof.

SEC. 7. Said Commissioners shall, in the month of January of each year, make and publish in some newspaper of the City of San José a sworn statement of the moneys received and expended, and also a statement of the work done under their authority during the preceding year.

SEC. 8. The Board of Commissioners herein named, together with the Mayor of the City of San José, shall, with reasonable diligence after the passage of this Act, cause to be surveyed

Survey. from the public lands of said city upon Penetencia Creek, a tract of land containing not more than four hundred acres. Said land thus selected shall be designated by suitable monuments, and shall be and remain a public park for public uses forever, and shall be under the charge, control, and management of the Board of Commissioners hereby created.

Malicious injury. SEC. 9. Any person removing or injuring any tree planted by said Commission, or any structure made by them, may be prosecuted civilly, in the name of the City of San José, for said injury; or if the act be wanton or malicious, may be proceeded against criminally, under the criminal statutes of this State. Such action, civil or criminal, may be brought before any Court of competent jurisdiction within said county.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXX.

An Act concerning roads and highways in the County of El Dorado.

[Approved March 15, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Road districts. SECTION 1. The Board of Supervisors shall, at their first meeting after the passage of this Act, divide said County of El Dorado into a suitable number of road districts, not less than twelve in number, and in such manner that the extent of roads and the expense of repairing and maintaining the same shall be proportionate to the population in each district; and they may, at any regular meeting thereafter, change or alter the same, or create new districts, as the public convenience may require. They shall designate each district by number, and a description of the boundary thereof, with the number, shall be entered in their minutes.

Road Overseer. SEC. 2. When ten or more residents of any one road district in said County of El Dorado shall petition the Board of Supervisors, in writing, for the appointment of some one named in the petition as Road Overseer, it shall be the duty of the Board to designate such person as Road Overseer for the district; *provided*, that when more than one petition for the appointment of Road Overseer is presented to the Board from the same district, signed by the requisite number, the Board shall then have power and it is made their duty to select from among the persons named in the different petitions the one who in their judgment is best qualified for such position, and to declare such person appointed Road Overseer for said district; and *provided* further, that the Board of Supervisors shall fill, by appointment, any vacancy that may occur in the office of Road Overseer in any road district in said county; and Road Overseers appointed under this Act shall hold their office until the next general elec-

tion, when they shall be elected by the people for a term not exceeding one year. Road Overseers shall, have power to ^{Deputies.} appoint one or more deputies in their respective districts, for whose official conduct they shall be responsible on their official bonds; *provided*, that such Deputy Road Overseers shall receive no compensation for their services as Deputy Road Overseers beyond their road tax receipts.

SEC. 3. Any person appointed or elected Road Overseer in ^{Bond.} pursuance to the provisions of this Act, shall, before entering upon the duties of his office, take and subscribe to the usual oath of office, and shall execute a bond to the People of the State of California, with two or more sufficient sureties, in a sum double the probable amount of road moncy's that will come into his hands; the amount of said bond to be determined and approved by the Board of Supervisors, and shall be conditioned on the faithful performance of the duties of his office.

SEC. 4. All able-bodied male persons between the ages of ^{Liabie to} twenty one and fifty years, residents of said county, shall be bound and liable to perform each year, in the public roads and highways of their respective districts, two days labor, after having been notified by the Road Overseer, or his deputy, of the time when and the place where such service is required; and any person having thus been notified, shall neglect or refuse to perform the labor shall pay the sum of three dollars to the Road Fund of the district where such labor was due.

SEC. 5. It is hereby made the duty of [the] Tax Collector of ^{Property} said County of El Dorado to collect the property road tax here- ^{road tax.} in provided for, and for such service he shall receive the same percentage received by him for the collection of other taxes for all of said tax that he may collect; but it shall be lawful for any person to perform each year labor under the direction of the Road Overseer, on the public roads and highways of their respective districts, to the amount of said person's property road taxes, at the rate of two dollars per day per man, and at the rate of five dollars per day per man and team of two horses and wagon, or two horses and plow, scraper, or other implement for road use, as the Overseer may direct, when in his judgment such team be required; and the receipt of the Road Overseer, for the performance of such labor, shall be receivable by the Tax Collector as payment for the amount specified in the receipt.

SEC. 6. When any person, by and with the consent of the ^{Extra} Road Overseer, shall perform more labor on the highways in ^{labor.} any one year than is required to cancel such person's indebtedness for road taxes for that year, the Overseer shall receipt to such person for the extra amount of labor so performed, and such receipt shall be good and receivable for road dues for the year next ensuing to the amount of the extra labor performed; and it is hereby made the duty of Road Overseers in their respective districts to receive and allow such extra labor to be performed when it shall appear that the public road interests will be thereby subserved.

SEC. 7. To enforce the collection of the road poll tax due from any person who on the requirement of the Overseer shall have neglected or refused to perform labor on the highways to the amount of such person's poll tax for road purposes, or to

Enforcement of road poll tax.

pay in money the amount of such person's poll tax, the Overseer may, and it is hereby made his duty, to seize so much of any and every species of personal property belonging to such person so liable and neglecting or refusing to pay such poll tax as will be sufficient to pay the same, together with costs of seizure and sale, and may sell the same at any time and place within his district, on giving notice one hour previous to such sale, which costs of seizure and sale shall not exceed the sum of two dollars for any one sale; and any person indebted to another liable to pay such road poll tax, and who shall refuse or neglect to pay the same, shall be liable for the tax of such other person after service on him by the Overseer of notice, written or oral, stating the name of the person so liable and owing said tax, and the amount of the tax due from such person, and the amount of the tax may be deducted from such indebtedness. The Overseer, after deducting the tax for which such property was sold, together with the necessary costs of sale, shall pay over the surplus, if any there be, to the owner of the property. A delivery of the possession of the property sold by the Overseer to any purchaser at such sale shall be a sufficient title to the purchaser without the execution of a deed therefor by the Overseer.

Blank receipts.

SEC. 8. The Board of Supervisors shall cause proper blank receipts for road taxes to be printed, and it shall be the duty of the Clerk of said Board to sign such receipts and issue the same to the Road Overseers for the several districts on their order; and said Clerk shall charge to the Overseers, in a book to be kept by him for that purpose, the receipts which he shall issue to them; and when any person shall perform labor on the highways to the amount of such person's road tax, or in lieu thereof shall pay a sum of money equal to the amount of such person's road tax, the Overseer of the district shall deliver to him a road tax receipt with the blanks properly filled. The Clerk shall also furnish each Road Overseer with an assessment list for their respective districts of all persons whose assessment is not less than one thousand dollars.

Compensation.

SEC. 9. Road Overseers shall, for each day that they may be actually and necessarily employed in working on the roads in their respective districts, or in superintending work on said roads and collecting taxes, receive as compensation therefor a per diem of two dollars and fifty cents, payable out of the Road Fund of said county hereinafter provided for.

Overseers to report.

SEC. 10. It is hereby made the duty of each Road Overseer in said County of El Dorado, on the first Monday in November in each year, or as often as the Board of Supervisors may direct, to report, in writing, to the Board of Supervisors, containing a list of the names of all persons in their respective districts liable to perform service on the roads, the names of all persons who have performed such service, and the names of all persons who, in lieu thereof, have paid the amount of their road taxes. Such report shall also contain a full and correct statement of all sums of money paid out, to whom paid, and for what purposes, together with all the necessary vouchers; and each Overseer shall state in his report the number of days that he has actually and necessarily been employed in working on the roads

in his district, or in superintending work on said roads and in collecting taxes, and such report shall be certified to under oath, by the Overseer making the same, as being just, true, and correct in each and every particular and specification; and at the time of presenting such report he shall pay all moneys remaining in his hands into the County Treasury, and he shall file with his report all receipts which he may have received from the county, and also all road tax receipts which remain in his hands unsold.

SEC. 11. And it is hereby made the duty of the Board of Supervisors to examine the report of each Road Overseer and, finding it correct, and that the persons who have paid road taxes, together with the road tax receipts returned, are equal to the whole number of receipts issued to him, shall order the Clerk of the Board to balance his account, and the Board of Supervisors shall direct the Auditor to draw his warrant on the Treasurer, payable out of the Road Fund herein provided for, in favor of such Overseer for the amount of per diem due him as shown by his report, and also for any balance due such Overseer for materials, furnished at his own expense, necessary to be employed on the public roads in his district.

Supervisors
to examine
report.

SEC. 12. When any Road Overseer shall pay any money into the County Treasury it shall be the duty of the Treasurer to place it in the Fund of the district of which he is Overseer. The Funds of the several road districts shall be under the control of the Board of Supervisors, who may disburse the same for road purposes, and the construction of bridges, and the per diem of Road Overseers, in accordance with the provisions of this Act. Each Fund shall be expended in the district in which it was collected; and the Board of Supervisors may draw money from the District Road Fund by their order on the Treasurer, and the Treasurer shall pay such orders out of any moneys remaining in said District Road Fund.

Money
placed in
proper
Fund.

SEC. 13. The Road Overseers of the several road districts in said county shall cause all public highways within their respective districts to be kept clear of obstructions and in good repair, and cause banks to be graded, and bridges and causeways to be constructed, when the same may be found necessary, and shall cause the same to be kept in good condition, and shall cause guide boards to be prepared and placed at the intersection of roads, whenever the convenience of the traveling public may require the same. Said guide boards shall contain plainly the names of the most important places on said road and the distances thereto; and for the above named purposes they shall have full powers to contract for such labor and materials as may be found necessary to accomplish the same; *provided*, that Road Overseers shall not have power to contract for the construction of bridges and causeways, or for work on the public highways, when the expense shall exceed the sum of fifty dollars on any one contract; and any person or persons or corporation who shall in any manner injure or endanger the public highways in said county shall be liable to a prosecution before any Justice of the Peace in the county; and it is hereby made the duty of the Road Overseer of any district wherein such obstruction or injury may exist to prosecute for such offense on

Roads to be
kept in
good repair

Guide
boards.

behalf of the county; and the person or persons so obstructing or injuring any of the highways in said county shall, on conviction thereof, be punished by a fine of not less than ten dollars or more than one hundred dollars, to be collected as other fines, for the benefit of the road district in which such offense is committed.

Neglect of duty.

SEC. 14. Any Overseer neglecting or refusing to perform any of the duties prescribed in this Act shall be deemed guilty of a misdemeanor, and on conviction thereof before any Justice of the Peace in said county, shall be fined in a sum not exceeding two hundred dollars, for which the sureties on his official bond shall be liable, and such fine, when collected, shall be paid into the County Treasury and placed in the Road Fund of his district.

Consent to use roads.

SEC. 15. Any person or persons desiring to make a cut, tunnel, or ditch, across or through any public highway in said county, or to make any hole, shaft, or excavation of any kind, for mining purposes, or for drainage, or for any other purpose, along the public highway and adjacent thereto, and so near as to endanger said highway, shall first obtain the written consent of the Road Overseer of the road district, or of the Supervisor of the Supervisor district in which the same is desired to be done, and said written consent or agreement shall provide as the public interest and convenience may require.

Additional tax.

SEC. 16. The Board of Supervisors for said county shall levy annually, in addition to the taxes provided for by law, a tax upon all the taxable property in said county of ten cents on each one hundred dollars in value of taxable property assessed in the year in which such levy shall be made. Said tax shall be assessed in the same manner as are other property taxes in said county, and shall be collected as hereinbefore provided, either in money or in labor, as the parties against whom such tax is held shall elect; and all moneys arising therefrom shall be paid into the County Treasury for the benefit of the district Road Funds of said county in which the same may be collected, the same to be used for the payment of warrants drawn against said Road Funds by order of the Board of Supervisors. All work done on the public roads and bridges built (when the cost of the same shall exceed the sum of fifty dollars), shall be under the direction of the Board of Supervisors, and shall be done under contract awarded to the lowest responsible bidder, after due notice shall have been given as the Board may direct; *provided*, that any and all proposals may be rejected if the Board shall consider such proposal or proposals exorbitant.

Contracts.

Payment of contracts.

SEC. 17. Whenever any contract that shall have been awarded under the provisions of the preceding section shall have been completed in a manner satisfactory to the Board of Supervisors, said Board shall direct the Auditor to draw his warrant on the Treasurer, payable out of the Road Fund of the district in which such contract was awarded, for the amount due on said contract; and all warrants drawn or that may be drawn against the District Road Funds by order of the Board of Supervisors shall be paid in the order in which they are drawn.

SEC. 18. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

SEC. 19. This Act shall take effect from and after its passage.

CHAPTER CCLXXI.

An Act to remedy defects in certain county records.

[Approved March 16, 1872.]

WHEREAS, James Munro, late President of the Board of Supervisors of the County of Nevada, omitted to sign certain record of proceedings of the said Board until after his term of office expired; therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. James Munro, the former President of the Board of Supervisors of Nevada County, is hereby authorized to sign the records of said Board which have been made and entered during his term of office as President of said Board of Supervisors; and the said records shall be legal and binding for all purposes whatsoever, the same as if signed during his regular term of office; and his failure or neglect to sign said proceedings during his term of office shall not vitiate or affect the proceedings of said Board of Supervisors or the County of Nevada, in any respect whatsoever.

Remedying
defects.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCLXXII.

An Act to provide for the election of a Treasurer and Collector for the County of El Dorado and to fix their compensation.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. On the thirtieth day of March, A. D. eighteen hundred and seventy-two, a special election shall be held in the County of El Dorado, at which the qualified electors of said county shall elect a Collector of taxes on real and personal property in said county. Said Collector shall be a resident and

Election of
Collector
of taxes.

citizen of said county, and shall hold office until his successor is elected and qualified as hereinafter provided.

Notice of election.

SEC. 2. The Board of Supervisors of said county shall cause a notice of the time and places and the object for holding said election to be inserted in some newspaper published and of general circulation in said county, and they shall also cause a similar notice to be posted in at least three public places in each election precinct in said county; such notice shall be so published and posted for at least ten days prior to and next preceding the time of holding such election.

Requirements.

SEC. 3. The said election for said Collector, the return, the canvass, and other particulars relating thereto shall conform to the requirements of the law now in force concerning the election of other county officers, and shall be subject to the same rules and regulations; *provided*, that for such election all laws, rules, and regulations now in force relating to the enrollment or registration of voters and the making up of a poll list of the enrolled voters of said county may be and the same are hereby dispensed with.

Bond.

SEC. 4. Before entering upon the duties of his office said Collector shall execute a bond, with two or more sureties, which shall be approved by the County Judge and filed with the County Clerk of said county; said bond shall be in the sum of twenty thousand dollars, and shall be conditioned for the faithful performance of his duties as such Collector, and particularly that he will faithfully pay over to the proper persons all moneys which may come into his hands as such Collector.

Percentage

SEC. 5. Said Collector, for the collection of State taxes, except taxes for school purposes, shall receive six per cent on the first ten thousand dollars collected, four per cent on all over ten thousand and under twenty thousand dollars, and two per cent on all over twenty thousand dollars, which shall be for his own use and benefit. For the collection of county taxes, except taxes for school purposes, he shall receive fifteen per cent on the gross amount collected, which he shall pay into the "County Salary Fund," and which shall become a part of said Fund. Said Collector shall have power to appoint one or more deputies, as may be necessary, for all of whose acts he shall be liable on his official bond. And it is hereby made the duty of such Collector, either in person or by deputy, to attend the County Assessor of said county at the time of the assessment therein; and said Collector shall collect all taxes assessed on personal property at the time of the assessment thereof, and for a failure to collect the same he shall be liable on his bond to said county to the extent of any and all losses that the county may thereby sustain.

Deputies.

Sheriff,
ex officio
Treasurer
and
Collector.

SEC. 6. The Sheriff elected at the general election in said county A. D. eighteen hundred and seventy-three, and at each general election thereafter, shall be ex officio County Treasurer and ex officio Collector of taxes on real and personal property of said county; and he shall take and hold office both as such ex officio Treasurer and as such ex officio Collector at and from the time he takes his office as such Sheriff. In addition to the bond given by him as Sheriff, he shall execute separate bonds, each with two or more sureties, one in the sum of forty thou-

sand dollars as such ex officio Treasurer, and one in the sum of twenty-five thousand dollars as such ex officio Collector. Said bonds shall be the same in substance and form as are now required by the Treasurer and Collector of said El Dorado County, and shall be approved by the County Judge, and filed with the County Clerk of said county. Additional bonds.

SEC. 7. For his compensation as such ex officio Treasurer he shall receive a salary of seven hundred dollars per annum; and for his services as such ex officio Collector he shall receive the same compensation and in the same manner as is provided for the Collector in section five of this Act. Compensation.

SEC. 8. All salaries and fees provided for by this Act shall be audited, allowed, and paid in the same manner as the salaries and fees of other county officers of said county are now audited, allowed, and paid. Auditing salaries.

SEC. 9. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. Repealing.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXXIII.

An Act to amend an Act entitled "An Act to provide for the funding of the indebtedness of the County of San Luis Obispo outstanding on the first day of July, one thousand eight hundred and sixty-three," approved March sixth, eighteen hundred and sixty-three.

[Approved March 15, 1872.]

The People of the State of California represented in Senate and Assembly, do enact as follows: .

SECTION 1. Section ten of said Act is hereby repealed. Repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXXIV.

An Act to provide for the payment of deficiency in the State Prison appropriation for the twenty-third fiscal year, ending June thirtieth, eighteen hundred and seventy-two.

[Approved March 15, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows: .

SECTION 1. The sum of forty thousand dollars is hereby appropriated, payable out of the General Fund of the State

Appropri- Treasury, to pay the deficiency in the amount required for the
ation. support of the State Prison of this State during the fiscal year
ending June thirtieth, eighteen hundred and seventy-two.

Auditing SEC. 2. The State Board of Examiners shall audit and allow a
claims. claim in favor of the Board of Directors of the State Prison
for the amount hereby appropriated, and the Controller shall
thereupon draw his warrant payable out of the General Fund.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLXXV.

*An Act to fix the salary of the members of the Board of Supervisors
of the County of Trinity.*

[Approved March 15, 1872.]

*The People of the State of California, represented in Senate and
Assembly, do enact as follows:*

Salary. SECTION 1. Each of the members of the Board of Supervisors
of the County of Trinity shall receive an annual salary of three
hundred dollars, payable quarterly out of the General Fund in
the County Treasury on the warrants of the Auditor.

Mileage. SEC. 2. In addition to the salary provided in the preced-
ing section, each member of the Board of Supervisors shall
receive the mileage at this time allowed by law, to be audited
by the Board, and paid out of the General Fund in the County
Treasury quarterly on the warrants of the Auditor. The salary
and mileage herein provided to be paid to said members shall
be in full for all their official services.

When in SEC. 3. This Act shall take effect and be in force from and
force. after the first day of April, eighteen hundred and seventy-two,
until which time the members of said Board shall receive the
compensation now provided by law.

CHAPTER CCLXXVI.

An Act to punish adultery.

[Approved March 15, 1872.]

*The People of the State of California, represented in Senate and
Assembly, do enact as follows:*

Adultery. SECTION 1. Every person who lives in a state of open and
notorious cohabitation and adultery is guilty of a misdemeanor,
and is punishable by a fine not exceeding one thousand dollars,

or imprisonment in the County Jail not exceeding one year, or by both.

SEC. 2. If two persons, each being married to another, live together in a state of open and notorious cohabitation and adultery, each is guilty of a felony, and is punishable by imprisonment in the State Prison not exceeding five years.

SEC. 3. A recorded certificate of marriage, or a certified copy thereof, there being no decree of divorce, proves the marriage of a person for the purposes of this Act. Proof of marriage.

CHAPTER CCLXXVII.

An Act to amend an Act entitled "An Act to abolish the office of Public Administrator in and for the Counties of Tuolumne and Santa Barbara," approved April eighteenth, eighteen hundred and fifty-nine.

[Approved March 15, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. Whenever any resident of the Counties of Tuolumne or Santa Barbara dies possessed of any property, and no person of kin entitled to share in the distribution of the estate applies to the Probate Court for letters of administration, it shall be the duty of the District Attorney to petition the Probate Court for letters of administration to any legally qualified person in the discretion of the Court; and the person in whose behalf such petition is filed shall be entitled to letters of administration in the same order provided for the issuance of letters to the Public Administrator in those counties wherein the office of Public Administrator still exists; and the person so appointed shall give such bonds for the faithful performance of his duties as is required by law. District Attorney to petition for letters of Administration.

SEC. 2. This Act shall take effect from and after its passage,

CHAPTER CCLXXVIII.

An Act to put into immediate effect certain parts of the Political and Penal Codes.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Portions
of Code
effective.

SECTION 1. The whole of Title IX (nine) of Part III (three), and of Chapter XV (fifteen) of Title VII (seven) of Part III (three) of the "Political Code of the State of California," approved March twelve, eighteen hundred and seventy-two, shall be in force and effect from and after the passage of this Act.

Sections.

SEC. 2. Sections seventeen, eighteen, nineteen, one hundred and seventy-six, four hundred and twenty-four, four hundred and twenty-five, four hundred and twenty-six, four hundred and twenty-seven, four hundred and twenty-eight, four hundred and twenty-nine, four hundred and thirty, four hundred and thirty-one, four hundred and thirty-two, four hundred and thirty-three, four hundred and thirty-four, four hundred and thirty-five, four hundred and thirty-six, four hundred and thirty-nine, and four hundred and forty of the "Penal Code of California," approved February fourteenth, eighteen hundred and seventy-two, shall be in force and effect from and after the passage of this Act.

Construc-
tion.

SEC. 3. Every provision of the "Political Code" and of the "Penal Code" which explains, defines, construes, or gives force and effect to the provisions of the Title, Chapter, or sections above referred to, shall, so far as may be required to carry into force and effect such provisions, to that extent be in force and effect from and after the passage of this Act.

SEC. 4. The Title, Chapter, and sections in section one and two of this Act referred to must be read, construed, and enforced in the same manner and with like effect as they would be if every part of the "Political Code" and "Penal Code" took effect at the date of the passage of this Act.

Void
Assess-
ments.

SEC. 5. All assessments made upon property before the passage of this Act and since the first day of January, eighteen hundred and seventy-two, are void.

Board of
Equaliza-
tion.

SEC. 6. The State Board of Equalization must at once assemble and remain in session until the first day of April, eighteen hundred and seventy-two, and must at once, by mail, express, or telegraph notify the Assessors of the several counties of the passage of this Act.

Primary
evidence.

SEC. 7. The phrase "primary evidence," as used in the Political Code, means that evidence which suffices for the proof of a particular fact until contradicted and overcome by other evidence.

Revision
Commis-
sion.

SEC. 8. The Revision Commission are directed to prepare for publication the provisions of the Codes referred to in this Act, and to have twelve hundred copies published in pamphlet form.

Sec. 9. As soon as the copies are published the Chairman of the Revision Commission must certify to their correctness and deliver them to the State Board of Equalization for circulation.

Sec. 10. The County Treasurers and Auditors of the various counties must at once perform the duties prescribed in sections three thousand eight hundred and forty-one, three thousand eight hundred and forty-three, and three thousand eight hundred and forty-four of the Political Code.

County
Treasurers
and
Auditors.

Sec. 11. This Act shall be in force and effect from and after its passage.

CHAPTER CCLXXIX.

An Act to amend an Act to provide for the management and sale of the lands belonging to the State, approved twenty-eighth March, eighteen hundred and sixty-eight.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-two is hereby amended to read as follows:

Section Forty-two. Whenever the Trustees, or owners of the land if there be no Trustees, shall certify under oath to the Board of Supervisors by whom the district was formed that the works of reclamation have been completed, or that two dollars per acre in gold coin has been expended on the work of reclamation, if such facts be established to the satisfaction of said Board they shall transmit to the Register of the State Land Office a certificate stating such facts, and he shall thereupon credit each purchaser of lands within the district with payment in full for such lands, and the said purchaser or his assigns shall be entitled to a patent therefor. And the Register shall forward to the Treasurer of the county or counties in which the district is situated a statement showing the amount of money, including interest, paid into the Treasury by each purchaser of land in said district prior to or after the formation of the same, after deducting therefrom the proper proportion chargeable to each purchaser of the amount previously drawn from the Swamp Land, State, or County General Fund, and the amount to be credited to the purchasers and paid over to the Trustees as hereinbefore provided, and shall order the balance paid over to said purchaser or their assigns; and the said statement of the Register, signed by each purchaser or his assigns, shall be the voucher for the County Treasurer; *provided*, that the provisions of this section shall not apply to districts having an outstanding indebtedness represented by Controller's warrants drawn upon the State Treasury, until all such warrants are fully paid.

Reclamation, or expenditure of two dollars per acre thereon, vests final title in purchaser.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCLXXX.

An Act to prevent persons passing through inclosures and leaving them open, and tearing down fences to make passage through inclosures.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Passing
through
inclosures.

SECTION 1. Any person passing through an inclosure of another and leaving the same open is guilty of a misdemeanor, and punishable by a fine not less than twenty dollars nor more than fifty dollars.

SEC. 2. Any person willfully or maliciously tearing down fences to make a passage through an inclosure is guilty of a misdemeanor, and punishable by a fine not less than fifty dollars nor more than five hundred dollars.

Fines,
where paid

SEC. 3. All fines collected under the provisions of this Act shall be paid into the County School Fund of the county where the offense is committed.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLXXXI.

An Act for the relief of William S. Brown.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Relief of
W. S.
Brown.

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the General Fund of the State Treasury of the State of California not otherwise appropriated, to the payment of the claim of William S. Brown, for services rendered as brickmaker at San Quentin for the period of two years and two months.

Warrant.

SEC. 2. The Controller of State is hereby authorized to draw his warrant in favor of said W. S. Brown for the sum of one thousand dollars, and the Treasurer is hereby authorized to pay the same.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCLXXXII.

An Act to amend an Act entitled an Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County, approved March fourth, eighteen hundred and seventy.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said act is hereby amended so as to read as follows:

Section 2. The Board of Supervisors shall meet at the Court Meeting. House of the county quarterly, that is, on the first Monday in the months of March, June, September, and December of each year, for the transaction of all business pertaining to the affairs of the county required of them by law, and for the discharge of all duties imposed on them by law or required of them by virtue of their respective offices as members of the Board of Supervisors. Each member shall be entitled to receive a salary of Salaries. six hundred dollars per annum, which shall be in full compensation for all services required of them by law; *provided*, that each member of the Board of Supervisors shall have mileage for going only from his residence to the county seat at each regular session of the Board at the rate of fifty cents per mile, but not more than one mileage shall be allowed to each member at each regular session. At each regular meeting of the Board they shall remain in session until all the business coming before them at that meeting is finally disposed of or passed for action to the next regular meeting thereafter.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCLXXXIII.

An Act for the preservation of fish in the waters of Siskiyou County.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any person or persons, between the first day of August and the first day of November of each year, to catch or kill any fish in any of the waters or streams within the County of Siskiyou, with any seine, gill net, trap, explosive material, or other implements or substances, or

Protection
of fish.

in any manner except by spear, or hook and line; and it shall not be lawful, at any time, for any person or persons to catch or kill any fish in any of the waters or streams of said county by the use of traps, gill-nets, or any poisonous, deleterious or stupefying drugs, explosive material, or other substance; *provided*, however, that nothing in this Act shall be construed to prohibit the taking of fish in private ponds constructed expressly for the raising of fish by the owners thereof; and *provided* further, that any person wanting spawn for the propagating of fish, may take fish from their spawning beds or elsewhere during the spawning season.

Penalty.

SEC. 2. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the County Jail not exceeding two months, or by both such fine and imprisonment, in the discretion of the Court.

SEC. 3. The District Attorney of Siskiyou County shall prosecute such suits, and all fines and penalties that may be received for convictions under this Act shall be paid into the School Fund of said county.

SEC. 4. This Act shall take effect immediately.

CHAPTER . CCLXXXIV.

An Act to repeal section two of an Act entitled an Act amendatory of and supplementary to an Act to prevent certain animals from running at large in Napa City, approved April seventeenth, eighteen hundred and sixty-three.

[Approved March 16, 1872.]

The People of the State of California represented in Senate and Assembly do enact as follows:

Repealed.

SECTION 1. Section two of said amendatory and supplementary Act is hereby repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXXXV.

An Act to incorporate the Town of Fort Jones, Siskiyou County, California.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inhabitants of the Town of Fort Jones are hereby constituted a body corporate and politic, under the name and style of the Town of Fort Jones, and by that name and style they and their successors shall be known in law, have perpetual succession, and be invested with all the rights and privileges conferred by and be subject to all the liabilities and restrictions and provisions of an Act entitled "An Act to provide for the incorporation of towns," approved April nineteenth, one thousand eight hundred and fifty-six, so far as the provisions of said Act may be consistent with the provisions of this Act. Incorporation.

SEC. 2. The boundary of said Town of Fort Jones shall be as follows: Commencing at an oak tree, blazed and marked, on the north line of the land of B. R. Morris; running thence in a westerly course on a line dividing the land of Isaac Hamilton and widow McDermott to the land of James A. Davidson; thence southerly along the dividing line between the land of James A. Davidson and H. J. Diggles to the end of Diggles' land; thence in the same direction to the southwest corner of the lot of J. K. Luttrell; thence in an easterly direction by the southeast corner of the land of A. Owens to a stake on the point of the ridge which lies between the Town of Fort Jones and the United States Fort Jones Reserve lands; thence northerly to a stake four hundred feet east of the dwelling of Dr. T. T. Cabannis; thence in a direct line to the place of beginning. Boundaries

SEC. 3. A Board of five Trustees (one of whom shall be elected President by the Board), one Recorder, who shall act and be ex officio Secretary of the Board, a Treasurer, Assessor, and Marshal shall be elected by the qualified electors of said town on the first Monday in May, one thousand eight hundred and seventy-two, and shall hold their offices for the term of one year and until their successors are elected and qualified; *provided*, that notice of the first election of officers must be given by the County Judge of Siskiyou County by publishing the same in a newspaper published in said county, four weeks successively, designating the officers to be elected, the polling places, and the officers of election; *provided* also, that the returns must be made to the County Judge, who must count and declare the vote and issue certificates of election. Govern-
ment.

SEC. 4. The Trustees of said town shall have power to make such by-laws and ordinances, not inconsistent with the laws of the United States and of this State, as they may deem necessary; to prevent and remove nuisances; to prohibit disorderly conduct; to provide for licensing public shows and lawful games, and bars at which spirituous liquors are sold; to con-

Powers of
the Board
of Trustees.

struct works necessary for daily supplying the town with water; to provide such means as they may deem necessary to protect the town from injuries by fire; to levy and collect annually, if deemed necessary, a tax on all property in said town, not exceeding one quarter of one per cent on the assessment valuation thereof; to impose and collect a poll tax of not exceeding one dollar per annum on every male inhabitant of twenty-one years of age and upwards; to impose and collect on dogs a tax not exceeding one dollar per annum on every dog found or owned within the corporate limits of said town; and to pass such other by-laws and ordinances for the regulation and police of said town as they may deem necessary; but they shall not have power to contract any debt or debts which, singly or in the aggregate, shall exceed the sum of two hundred and fifty dollars, unless by the consent of the majority of the voters of said town, of which voting shall be at a special election ordered by the Trustees of said town; of which election public notice shall be given by notices posted or by publication in a newspaper, if there be one in said town, for at least ten (10) days prior to such election. But no indebtedness shall be contracted or incurred when the aggregate indebtedness of said town shall exceed five hundred dollars.

Board of
Equal-
ization.

SEC. 5. Said Board of Trustees shall, in the event of a tax being levied under this Act and an assessment made, shall sit as a Board of Equalization for not less than two days, notice of which session shall be given by publication or by posting in three conspicuous places in said town for at least ten days next preceding the time fixed, that such assessment roll is open for inspection, and that said Board will sit as a Board of Equalization and hear all complaints. They may require testimony, and increase or diminish the assessment of particular persons or property, or add any property that may have been omitted as may be just and equitable.

Salaries.

SEC. 6. The compensation of said Board of Trustees shall not exceed one dollar per annum each. The Clerk of said Board shall receive not to exceed twenty-five dollars per annum. The Treasurer shall receive not to exceed twelve dollars per annum. The Assessor shall receive not to exceed fifteen dollars per annum. The Board of Trustees shall prescribe the duties and fix the compensation of the Marshal, either by salary or fees or percentage.

Revenue.

SEC. 7. The manner of making assessments and collecting town revenue shall be fixed by ordinance, and the provisions of "An Act to provide revenue for the support of the government of this State," approved May seventeenth, one thousand eight hundred and sixty-one, with the amendments thereto, so far as the same apply to proceedings at law to enforce the collection of delinquent taxes and are not inconsistent with the foregoing provisions of this Act, are made applicable to this Act and to proceedings to enforce the collection of the aforesaid taxes.

Repair of
streets.

SEC. 8. The Board of Trustees of said town shall have power to collect from the Road Supervisor or Overseer of Scott Valley Road District one fourth of all moneys collected by him within the bounds of this incorporation as a road tax, and appropriate the same to keeping the streets in repair. But said Board may

at any time when public convenience requires donate said sum so collected to the improvement of any public road leading to said town and within said Scott Valley Road District.

SEC. 9. The Recorder of said town shall have jurisdiction of criminal cases for violation of any of the ordinances passed or ordained by said Board of Trustees for the government of said town. Recorder.

SEC. 10. The Board of Trustees shall, by ordinance, fix the penalties for every violation of the ordinances of said town; said penalties may be by fine or imprisonment, or both. Ordinances

SEC. 11. All elections held for the election of officers or for other purposes by the electors of said town, shall be held under and by virtue of the mode prescribed for holding elections of this State. And in case of the resignation and disqualification of any of the officers mentioned above, the Board of Trustees shall order a special election to fill the vacancy thus created, by notices posted in three public places in said town; said election to take place not less than three weeks from the date of said notice, and the election to be held in accordance with the laws of the State of California in such cases made and provided. Elections.

SEC. 12. This Act shall take effect from and after its passage.

CHAPTER CCLXXXVI.

An Act to authorize the Masonic and Odd Fellows' Cemetery Association and the citizens of Contra Costa County, to remove human remains.

[Approved March 16, 1872.]

The People of the State of California represented in Senate and Assembly, do enact as follows:

SECTION 1. The Masonic and Odd Fellows' Cemetery Association (a corporation) and the citizens of Contra Costa County, are hereby authorized and empowered to disinter and remove, or cause to be disinterred and removed, all human remains interred by them or under their auspices, respectively, in the graveyard at the Town of Antioch, in and upon T. N. Willis' land, and cause them to be reinterred in the cemetery near said town, known as the "Masonic and Odd Fellows' Cemetery Association," or in any proper ground used for burial purposes. Privilege granted.

SEC. 2. It shall be the duty of said Masonic and Odd Fellows' Cemetery Association and citizens of said Contra Costa County to cause said remains to be decently interred, and to cause all tombstones, ornaments, and inscriptions on the graves of said to be replaced and reerected, in as good order on the new as on the original graves. Condition.

SEC. 3. This Act shall take effect immediately from and after its passage.

CHAPTER CCLXXXVII.

An Act to authorize the Board of Supervisors of Merced County to levy a special tax for the purpose of constructing a bridge across the Merced River.

[Approved March 16, 1872.]

The People of the State of California represented in Senate and Assembly, do enact as follows:

Special tax authorized SECTION 1. The Board of Supervisors of Merced County are hereby empowered and authorized, and it shall be lawful for said Board of Supervisors, if they deem it expedient, at their next regular meeting, to be held in May, eighteen hundred and seventy-two, to levy a special tax of fifty (50) cents upon each one hundred (100) dollars worth of taxable property in said county, to construct a bridge across the Merced River, at a point on the public highway leading from the Town of Snelling to the Town of Merced, on Bear Creek.

Bridge. SEC. 2. It shall be the duty of the said Board of Supervisors to superintend the construction of said bridge at the point named, and they are hereby appointed a Board of Commissioners to contract for the erection of said bridge as they may deem best and most expedient, and to receive the same when completed, if found by them to conform to the specifications and contracts made for its construction.

SEC. 3. The tax collected under the provisions of section one shall be deposited with the County Treasurer of said county, and it shall be known as the Bridge Fund.

Payment of claims. SEC. 4. All expenditures for the construction of the bridge shall be audited by the Board of Supervisors of said county, and on their statement the County Treasurer is authorized to pay the amounts named by them from the moneys on deposit to the credit of the "Bridge Fund," and from none other Fund.

SEC. 5. The tax to be levied shall be collected in the usual manner, form, and time as other county taxes are collected.

Road-master. SEC. 6. When completed, said bridge shall be in charge of the Roadmaster of the road district in which said bridge is located, whose duty it shall be to keep the same in repair, as other bridges and highways are kept in said county.

SEC. 7. Said bridge, when completed and received by the said Board of Supervisors, shall be to all intents and purposes a public highway, and no toll shall be charged for crossing thereon.

SEC. 8. This Act shall take effect from and after its passage.

CHAPTER CCLXXXVIII.

An Act to amend an Act entitled "An Act to regulate proceedings in criminal cases," passed May first, eighteen hundred and fifty-one.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two hundred and eleven of the above entitled Act is hereby amended so as to read as follows:

Section 211. The Grand Jury is not bound to hear evidence for the defendant, but it is their duty to weigh all the evidence submitted to them; and when they have reason to believe that other evidence within their reach will explain away the charge, they should order such evidence to be produced, and for that purpose may require the District Attorney to issue process for the witnesses, and they may hear the accused as a witness in his own behalf.

Defendant
before
Grand
Jury.

CHAPTER CCLXXXIX.

An Act to regulate practice in the Supreme Court.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every civil cause on appeal in the Supreme Court must be decided and the decision of the Court filed within six months after the same is submitted; if not so decided and the decision filed, the cause may, on notice of either party of at least thirty days to the adverse party, be again placed on the calendar for a reargument.

Decisions
within six
months.

SEC. 2. Every cause which shall have been pending on appeal in said Court for a period of six months prior to the taking effect of this Act, and shall have been submitted, shall, on notice filed and served by either party on the adverse party and the Clerk of the Court, thirty days before the commencement of the next succeeding term, be placed on the calendar for that term for reargument.

Reargu-
ment.

CHAPTER CCXC.

An Act concerning service of summons upon absent defendants by publication.

[Approved March 15, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Service of
summons.

SECTION 1. In all cases where by order of any Court service of summons is directed to be made upon any absent defendants by publication, it shall be the duty of the plaintiff in such action to file in the office of the Secretary of State, within fifteen days after the making of such order, a duly certified copy of such order for publication, together with a copy of the summons in said action and of the newspaper containing the publication thereof.

Fees.

SEC. 2. For his services in filing and indexing the order, summons, and newspaper in which publication is made, in each action, and for issuing his certificate of the receipt and filing thereof, the plaintiff shall pay to the Secretary of State the sum of one dollar, to be paid into the State Treasury and accounted for as by law provided in the case of other fees collected in said office.

Register of
absent
defendants.

SEC. 3. The Secretary of State, on receipt of the papers above mentioned and on payment of the fee above mentioned, shall issue to the plaintiff in said action his certificate, under his hand and official seal, specifying the title of the action, the Court in which the same is brought, the names of the defendants as to whom publication of summons was directed to be made, and the date at which the same were filed in his office. He shall also, in a book to be provided for that purpose, index the names of the defendants as to whom publication of summons was directed to be made, and note therewith the title of the action, the Court in which such action is brought, the papers therein filed in his office, and the date of filing the same; and shall also indorse the date of the filing upon said papers, and preserve the same in his office for reference by all persons interested therein; and the said book and said papers shall at all times be open to the gratuitous inspection of all persons applying to examine the same. Said book shall be known and referred to as the "Register of Absent Defendants."

What
constitutes
service.

SEC. 4. The plaintiff in such action shall file the certificate of the Secretary of State above mentioned with the Clerk of the Court in which such action is brought, together with the proof of publication of the summons therein, and service of summons by publication shall not be deemed to be complete as to any absent defendant without the filing of said certificate as above required.

CHAPTER CCXCI.

An Act to amend an Act entitled "An Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county," approved April fourth, eighteen hundred and sixty-four.

[Approved March 15, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of the above entitled Act is hereby Repealed.
repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXCII.

An Act amendatory of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March thirtieth, eighteen hundred and sixty-eight.

[Approved March 15, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fifth section of said Act is hereby amended to read as follows:

Section 5. All members and agents, and all local and district officers of each or any of the societies so incorporated, as shall, by the Trustees of said society, be duly authorized in writing, approved by the County Judge of the county, and sworn in the same manner as are Constables and peace officers, may make arrests for the violation of any of the provisions of this Act, in the same manner as is herein provided for other officers, and may carry the same weapons that such officers are authorized to carry; *provided*, that all such members shall, when making such arrest, exhibit and expose a suitable badge, to be adopted by said society. All persons resisting such specially appointed officers as such, shall be punished for said resistance in the same manner as is provided for the punishment of resistance to other officers.

SEC. 2. The sixth section of said Act is hereby amended to read as follows:

Section 6. Every person who shall overdrive, overload, torture, torment, or deprive of sufficient and necessary sustenance,

Misdemeanors defined.

or unmercifully or cruelly beat or mutilate any living creature, shall on conviction be deemed guilty of a misdemeanor. Every person who shall by his act or neglect maliciously maim, wound, injure, torture, or cruelly beat any animal belonging to himself or to another, shall on conviction be deemed guilty of a misdemeanor. Any person who shall cause any animals, bull, bear, dog, cock, or other creature, to fight, worry, or injure each other, or any person who shall permit the same to be done on premises under his charge or control, and any person who shall aid, abet, or be present at such fighting and worrying of such animals as a spectator for an admission fee, shall on conviction be deemed guilty of a misdemeanor; *provided*, that this shall not apply to officers of said society, peace or police officers, or to witnesses authorized by the Board of Trustees of said society to be present at such fight for the purpose of giving evidence before the Police Judge, Magistrate, or the Grand Jury of the county in which the offense is committed. Every person who, in carrying or transporting, or causing to be carried or transported on any vehicle, railroad car, steamer, or sailing vessel, any living creature, shall unnecessarily torture, injure, torment, beat, wound, or deprive of necessary sustenance, or cause unnecessary pain to them, or any person who shall pluck the feathers from any living fowl or bird, geese excepted, shall on conviction be deemed guilty of a misdemeanor; and whenever any such person shall be taken into custody, or placed under arrest by any officer or person authorized to take into custody and to arrest for said unlawful acts, such person so arresting may take charge of the vehicle and its contents in which such unlawful carrying is committed, and keep the same in some safe place, to be by the owner or person controlling said vehicle designated; or if such place be not designated, then to deliver the same into the custody of the Sheriff, Chief of Police, or a Constable, to be by them kept until such person so arrested shall be admitted to bail, or shall claim the same, when it shall be delivered to the owner or person so in charge or entitled to the possession thereof, upon the payment of all charges and costs of such detention and keeping. Every owner, driver, or possessor of any old, maimed, or diseased horse, mule, or cow, or any other domestic animal, who shall permit the same to go loose in any lane, street, square, or vacant lot of any town or city for more than three hours after knowledge thereof, shall on conviction be deemed guilty of a misdemeanor; *provided*, that this shall not apply to such owner keeping any old or disabled animal belonging to him on his own premises, with proper care. Every sick, disabled, infirm, or crippled horse, ox, mule, cow, or other domestic animal which shall be abandoned on the public highway, or in any open space in any city or town, may, if after due search by a peace officer or officers of said society no owner can be found therefor, be destroyed by such officer, and it shall be the duty of all peace and police officers to cause the same to be done, on information of such fact of abandonment of such creatures.

Certain animals may be destroyed.

SEC. 3. This Act shall apply only to the City and County of San Francisco.

CHAPTER CCXCIII.

An Act authorizing the Trustees of the San Buenaventura School District, of the County of Santa Barbara, in this State, to issue bonds for the said district for the sum of ten thousand dollars.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The School Trustees of the San Buenaventura School District, of the County of Santa Barbara, are hereby authorized to issue bonds for the said school district for the sum of ten thousand dollars, payable in gold coin of the United States in ten years after the first day of April, A. D. eighteen hundred and seventy-two, and to bear interest at the rate of ten per cent per annum, payable semi-annually in gold coin at the Bank of California, in the City and County of San Francisco. Bonds may be issued.

SEC. 2. Said bonds shall be of the denomination of two hundred and fifty dollars each, with coupons for interest attached, and shall be signed by the Chairman of said Board of School Trustees and by the Superintendent of Public Instruction of said county, and by the County Auditor of the said county, and shall be authenticated by the seal of the said County Auditor, and shall purport that the said school district owes to the holder thereof the sum of two hundred and fifty dollars in gold coin, payable and bearing interest as aforesaid. Description

SEC. 3. It shall be the duty of the Board of Supervisors of the said county annually, at the same time they levy county taxes, to levy a special tax on all the real and personal property of the said school district, which, when collected, shall be sufficient, after paying the expenses of collection, to pay the interest annually accruing on said bonds. Interest.

SEC. 4. It shall be the duty of the County Assessor of the said county to assess said taxes on all real and personal property in said school district, and to enter the same in the assessment roll, in a separate column, opposite the name of the person or description of property so assessed. Assessment

SEC. 5. It shall be the duty of the Tax Collector of the said county to collect said taxes at the same time and in the same manner that other county taxes are collected, and to keep a separate account of the same, and to pay to the Treasurer of the said county all taxes so collected at the same time he pays other county taxes by him collected, and to deliver to said County Treasurer, at the time of making each payment, a full and correct account of all such taxes. Collection.

SEC. 6. It shall be the duty of the said County Treasurer to place all money paid into the County Treasury by virtue of this Act to the credit of the County School Fund of said school district, and to set apart semi-annually out of the moneys belonging to the said Fund of said school district the necessary amount to pay the interest that shall accrue on the said bonds, Payment of interest.

which shall be subject to the draft of the Superintendent of Public Schools of the said county.

Place of
payment.

SEC. 7. It shall be the duty of the said Superintendent of Public Schools to remit semi-annually the funds set apart by the said Treasurer for the payment of the said interest to the Bank of California, and the expense thereof shall be a charge against the said school district.

School-
house.

SEC. 8. The said School Trustees are hereby authorized and empowered to use the said bonds, or the money realized from the sale thereof, for the purchase of land and for the erection thereon of a suitable building for public school purposes in the said school district, and for the furnishing of the same.

Price of
bonds.

SEC. 9. The said bonds shall be sold by the said School Trustees to the person or persons offering the highest price therefor; *provided*, said bid shall not be less than eighty-five per cent of the par value of said bonds; and *provided*, that the said Trustees may contract for the material to be furnished and the work to be done, paying directly in the said bonds, if, in their estimation, they can so contract as to realize more than eighty-five per cent of the par value of said bonds. For the purpose of selling the said bonds, it shall be the duty of the said School Trustees to advertise the same for sale for at least four weeks in one newspaper printed and published in the City and County of San Francisco, and in one newspaper printed and published in the county in which the said school district is situated, inviting proposals for the purchase thereof; and the purchasers whose bids shall be accepted shall pay into the County Treasury of the said county the amount bid by them, and shall be entitled to receive from the said Treasurer the bonds so purchased, and the proceeds thereof shall constitute a special Fund for the said school district for the purpose mentioned in section eight of this Act.

Notice of
sale.

Payment of
principal.

SEC. 10. It shall be the duty of the Supervisors, Assessor, and Collector of said county, in the year one thousand eight hundred and eighty-one, to respectively levy, assess, and collect, in the manner herein provided for the collection of funds to pay the interest on the said bonds, the sum of ten thousand dollars for the payment of the principal of said bonds.

County
Treasurer.

SEC. 11. It shall be the duty of the said County Treasurer to pay the said bonds at their maturity at the place where the same are payable, in the City and County of San Francisco; and the expenses of remitting the money for the purpose shall be a charge against the County School Fund of the said school district.

Division of
county.

SEC. 12. It is hereby provided that in case of a division of the County of Santa Barbara, or any change in the county lines of said county, the duties herein required to be performed by the county officers of Santa Barbara County shall be performed by the like officers of the county in which the said school district is situated.

SEC. 13. All of the county officers herein mentioned shall, for the faithful performance of the duties herein required of them, be liable upon their county bonds.

SEC. 14. The Board of Supervisors of the County of Santa Barbara shall, at their regular meeting on the first Monday in

May next, or at any called meeting of said Board, levy a special Special tax tax on all the real and personal property in said school district sufficient to pay the interest on said bonds for the year eighteen hundred and seventy-two, the expenses of said levy and collection of said tax to be a charge against the County School Fund of said school district.

SEC. 15. This Act shall take effect from and after its passage.

CHAPTER CCXCIV.

An Act to provide for the condemnation of lands for road purposes in the County of Santa Cruz.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. When any road in the County of Santa Cruz Condemnation. needs to be drained, and it be found necessary for that purpose to take the lands or to construct a drain in or across the lands of any person, the Road Overseer of the road district in which the land is situated may proceed to have such lands condemned, or so much thereof as is necessary for the purposes of draining the road.

SEC. 2. The Road Overseer shall serve a notice upon the owner Notice to owners. of or the person in possession of the land, to the effect that he will, at the next regular meeting of the Board of Supervisors, apply to the Board to have the lands condemned, or so much thereof as is necessary, and shall give in the notice, substantially, a description of the land to be taken, the line of the drain or ditch, and where it shall begin and terminate. The notice shall be served at least ten days before such meeting of the Board, where the owner of the land is a resident of the county; but if he is a non-resident, the notice shall be deposited in the Post Office, directed to him, postpaid, at least twenty days before the meeting of the Board. Where the owner is a minor, idiot, or an insane person, the notice shall be served upon his guardian.

SEC. 3. Any person owning or in possession of any land Claims for damages. which it is proposed to condemn, or upon which it is proposed to locate or establish any drain or ditch, and desiring to apply for damages therefor, shall give notice of his intention in writing to the Board of Supervisors on the said next regular meeting day of the Board, to claim such damages. All persons who fail to give such notice at such time shall be considered as having waived their right to damages, and such failure may be pleaded in bar to any action for damages.

SEC. 4. On the first regular meeting of the Board of Super- Road Overseer. visors after the service of the notice, the Road Overseer shall present a petition to the Board for the condemnation of the

lands needed for drainage purposes. The petition shall state substantially the matters provided to be stated in the notice, the name of the owner of or the person in possession of the land, the reasons for the taking of the land, and the manner and time of service of the notice required by this Act. The petition shall be verified by the affidavit of the Road Overseer.

Road
Viewers.

SEC. 5. If the Board of Supervisors is of the opinion that the drainage of the road is practicable, and that the taking of the lands or the construction of a drain or ditch thereon is necessary for that purpose, it shall appoint as Road Viewers three citizens of the county, who, after taking an oath to perform faithfully the duties devolved upon them as Road Viewers, shall, as soon as practicable, view and designate the land proposed to be taken, or the route of the ditch or drain, and shall lay out the course of the drain or ditch, distinctly marking the beginning and ending of the same, and a space of land on each side thereof, for access to the same, not more than six feet wide on each side. They shall also estimate the damages accruing to any person thereby; *provided*, that no land covered by orchards, vineyards, or houses, or other improvements of a substantial character, shall be taken under the provisions of this Act.

Report.

SEC. 6. On the first day of the regular meeting of the Board of Supervisors next succeeding that at which the Road Viewers are appointed, or at a special meeting of the Board called for considering the matter, the Road Viewers shall file with the Clerk of the Board a report of their proceedings in the premises, which shall show:

First—Who of them were present.

Second—That they were sworn.

Third—Whether the taking of the land, or the location of any drain or ditch thereon, is or is not advisable.

Fourth—A description of the land or of the route of the ditch or drain.

Fifth—The amount of damages sustained by such applicant for damages.

Sixth—The acreage of the land taken, or the depth, width, and length of the ditch or drain.

Confirma-
tion.

The Board may hear any evidence touching the matter, and if, in its opinion, the public good and convenience require the proposed drainage of the road and that the land be taken, or ditch or drain shall be constructed, it shall confirm the report of the Road Viewers in whole or in part thereon, and establish the selection of the land or the location of the ditch or drain, and direct the amount of damages to be paid out of the County Road Fund of the county.

Appeal.

SEC. 7. If any person claiming damages under the provisions of this Act is dissatisfied with the award of the Viewers, he may proceed against the county as is provided for in section six of an Act entitled "An Act to provide for the establishment, maintenance, and protection of public and private roads in the County of Santa Cruz," passed April seventeenth, eighteen hundred and sixty-two, and the provisions of sections six and seven are hereby made applicable to such cases.

SEC. 8. This Act shall take effect immediately.

CHAPTER CCXCV.

An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-five of said Act is amended so as to read as follows:

Section 45. The provisions of an Act to regulate proceedings in civil cases in the Courts of justice of this State, and the several amendments thereto, so far as the same are not inconsistent with the provisions of this Act, are hereby made applicable to proceedings under this Act; and any deed derived from a sale of real property under this Act shall be conclusive evidence of title, except as against actual frauds or prepayment of the taxes by one not made a party by name to the action or judgment in or upon which such sale was made, or if made a party by name, shall not have been personally served with summons in such action, and shall entitle the holder thereof to a writ of assistance from the District Court to obtain possession of such property; *provided*, that the Sheriff in selling such property shall only sell the smallest quantity that any purchaser will take and pay the judgment and all costs; and *provided*, that in all cases where the amount of tax due on real estate, together with costs, exceeds one thousand dollars, and the Sheriff shall have offered the same for sale at public auction as provided for sales of real estate on execution, and no person or persons shall bid off the said property, or shall offer to pay the taxes and costs for the whole or a part of said property, then the said Sheriff shall be authorized and empowered to offer for sale immediately and without further notice a fractional part of said real estate, designating in his offer the number of acres or quantity of land offered and the place where to be located, and may continue to sell fractional portions of said real estate described in his notice; *provided*, that no sale shall be made for a sum less than five hundred dollars, until the amount unpaid is reduced below said sum, until he shall realize from such sales sufficient to pay the amount of the judgment and costs; and shall deliver to each purchaser a certificate of sale, describing generally the metes or bounds of the part of the said real estate sold, and the amount bid and paid therefor; and shall also in said certificate of sale set forth, in addition to the facts required in ordinary certificates of sale, the fact that the whole of the property was first offered for sale for the amount of the judgment and costs, and no bids were offered or received therefor, and that thereupon the Sheriff proceeded to sell the property in parcels, and designating the particular parcel sold in such manner that the same can be located from such description; and any deed made to the purchaser shall contain the same description as set forth in the

Require-
ments in
sales of real
property on
execution
for delin-
quent taxes

Same.

certificate of sale. And when a tract of land shall be sold in parcels as specified in this section, it shall not be sold in less quantities, as compared with the entire tract of land or value of property subject to sale, than the proportion which five hundred dollars bears to the entire judgment; and no sale for less than five hundred dollars shall be made until the amount of judgment and costs has been reduced by sales as herein provided to five hundred dollars or less, and then the remaining amount due shall be settled by one sale; and no bid shall be received for less than a sum of money which bears the same relation to the whole amount of the judgment and costs as the quantity of land offered for sale bears to the whole tract; and *provided* further, that when the property sold belongs to minors or persons under legal disability, they shall have until six months after said disability is removed to redeem said property, by paying the whole amount of the judgment and all subsequent taxes and interest paid by and due to the purchaser at said sale; but this provision shall not apply when the executor or administrator of the estate, or the father, or, in case of his death, the mother, or guardian of such minor children has been personally served with process; and *provided* further, that the real estate so sold for taxes may be redeemed from such sale as in case of sale upon execution, as provided in other civil cases, by paying to the Sheriff the total amount of the judgment and all costs, with thirty per cent thereon; and *provided* further, that if the same is paid within three months from the date of the certificate of sale, it shall be for the total amount of the judgment and all costs, with fifteen per cent thereon. All moncoys collected under this Act, except costs and charges, shall without delay be paid to the Treasurer of the county, to be distributed to the proper Funds; and each collection, and the date thereof, shall be entered against the proper name or property in the delinquent tax list, which shall be open to public inspection.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXCVI.

An Act providing for the appointment of a Reporter in the First Judicial District of this State.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

First Dis-
trict Court
Reporter.

SECTION 1. The District Judge of the First Judicial District is hereby authorized to appoint a competent Reporter, who shall hold his office during the pleasure of the Judge making the appointment, and who shall, at the request of either party, or at the discretion of the Court in a civil case, or in criminal cases triable in the District Court, on the order of the Court, take

down all the testimony, the rulings of the Court, and the exceptions taken, and shall, within five days, or such reasonable time after trial of such case as the Court may designate, write out the same in plain, legible, longhand writing. If such testimony, rulings, and exceptions shall in the first instance have been taken down in shorthand, verify and file it, together with the original report, with the Clerk of the Court in which the case was tried; *provided*, that no person shall be appointed such Reporter who now is or hereafter may be the official Reporter of any other Court of record.

SEC. 2. Such report written out in longhand writing as afore- Reports.
said, shall be deemed *prima facie* a correct statement of the evidence and proceedings therein contained.

SEC. 3. Such Reporter shall receive such compensation for Compensation.
his services as may be agreed upon between the said Reporter and the counsel in the cause; and in case of failure to agree between the said parties, then the amount may be fixed by the Court; *provided*, that when so fixed it shall not exceed ten dollars per day and twenty cents per folio for transcription, which amount shall be paid by the party requiring the services of such Reporter, and be taxed up by the Clerk of the Court as costs against the party against whom judgment is rendered, unless he shall have already paid such Reporter's fees; *provided*, that in criminal cases or capital offenses, when the testimony has been taken down by order of the Court, the compensation of the Reporter shall be fixed by the Court, and paid out of the Treasury of the county in which the case is tried on the order of the Court; *provided* further, that the Judge may in his discretion require the Reporter's fees to be paid, or a sum equivalent thereto to be deposited with the Clerk of the Court before any judgment or verdict shall be entered in the case or any further proceedings be had therein.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCXCVII.

An Act supplementary to an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be no limitation upon the right to maintain an action for the recovery of money or other property deposited with any bank, banker, trust company, or savings and loan society. Actions against banks.

SEC. 2. All Acts and parts of Acts in conflict herewith, so far as the same are in conflict, are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCXCVIII.

An Act authorizing the transcribing of certain records in the County of San Luis Obispo.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County
Recorder.

SECTION 1. The County Recorder of the County of San Luis Obispo is hereby authorized and required, on receipt of an order from the Board of Supervisors of said county, to transcribe into such books as are prescribed by law, all the records of "Homesteads," "Abandonments of Homesteads," and "Sole Traders' Licenses" now existing in his office and in his custody.

Transcript.

SEC. 2. The transcript hereby authorized to be made shall contain in each book the whole of the corresponding records of said county appropriate to the said book up to the date of the completion of the said transcript; and immediately upon said completion it shall be the duty of said Recorder to inscribe in such book, at the end of the portion of the transcript therein made, his certificate to the effect that the same is a full, true, correct, and complete transcript of the whole of the records of said county appropriate to the said book.

Record
books.

SEC. 3. Immediately upon the affixing of the certificate mentioned in the last section, the books in which the same shall be inscribed shall be and become the legal record books of the said county for the class of records to which the same are respectively appropriated, and the said Recorder shall thereafter employ and use the same as such legal books of record.

Declared
legal.

SEC. 4. The transcript herein authorized to be made, and every part and parcel thereof, shall be held to have the same validity, force, and effect as the original record, and legally certified copies thereof shall be received and read in evidence in all Courts in the same manner and with like effect as copies of the original record.

Preserva-
tion of
records.

SEC. 5. The original books of record so transcribed as herein authorized shall be preserved in a secure place by the said Recorder, and shall be open to inspection as other records; and nothing herein contained shall be so construed as to impair the force or validity of the same or of any duly certified copy thereof.

Compensation.

SEC. 6. The County Recorder shall receive for all services under this Act, including the certificate to the correctness of the said transcript and making the proper notes and indexes, such compensation as the Board of Supervisors may deem

proper; and no other compensation whatsoever shall be charged or allowed on account of services under this Act. And the said Recorder shall be liable upon his official bond for the neglect or improper performance of the services herein provided to be rendered by him.

SEC. 7. All claims for services performed under and by virtue of this Act shall be audited and allowed in the same manner as other claims against said county, and shall be payable in warrants drawn upon the General Fund of said county. Claims audited.

SEC. 8. This Act shall take effect from and after its passage.

CHAPTER CCXCIX.

An Act in relation to Coroners in the City and County of San Francisco.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person elected or appointed to the office of Coroner, before he shall enter upon the duties of such office, shall take the constitutional oath of office, and give an official bond in the sum of five hundred dollars. Official oath and bond.

SEC. 2. The duties of Coroner shall be: first, to hold inquests upon the bodies of persons slain, or who shall have committed suicide, or been found dead under such circumstances as to lead to a suspicion of crime committed, within the county in which such Coroner resides; second, to issue process for the arrest of one charged upon inquest with murder or manslaughter; to hold inquest on the body of every prisoner who dies in jail; and it shall be the duty of the Jailor, whenever a prisoner dies in his custody, to send for the Coroner who has jurisdiction, who shall hold inquest upon the body of such prisoner. The duties of Coroners upon inquests shall not be delegated. Coroner's duties.

SEC. 3. Whenever any Coroner shall receive notice that any person has been slain, or has committed suicide, or has died suddenly, or has been found dead under circumstances such as to require an inquisition, it shall be his duty to go to the place where such person shall be, or if the body shall have been interred, shall cause it to be disinterred, and shall forthwith summon not less than nine or more than fifteen persons to serve as jurors, to appear before him forthwith at such place as he shall appoint, and make inquisition concerning such death. The Coroner must summon the jurors in person. He shall summon none but persons duly qualified by law to serve as jurors, and no such person shall be exempt except at the discretion of the Coroner. No person shall be summoned who is related to the deceased or to any person who may be suspected or charged with the killing, nor shall any one be summoned who is known Notice of death.
Jury.

to be prejudiced for or against him; but the jurors who are selected and appear shall not be challenged by any party.

Forfeiture. SEC. 4. Every person summoned as a juror who shall fail to appear without having a reasonable excuse, shall forfeit a sum not exceeding the sum of two hundred dollars, to be recovered by the Coroner, in the name of the people of the State, before any Justice of the Peace in the proper township, and when collected to be paid into the County Treasury for the use of the county.

Swearing Jury. SEC. 5. When six or more of the jurors attend they shall be sworn by the Coroner and charged by him to inquire how and in what manner and when and where such person came to his death, and who such person was, and into all the circumstances attending such death, and to make a true inquisition according to the evidence offered to them or arising from the inspection of the body.

Inquest. SEC. 6. There shall be but one inquest upon a body, unless that taken be set aside by the Court; and there shall be but one inquest held upon several bodies of persons who were killed by the same cause and who died at the same time. Whenever it shall appear that an error in the identity of the body has been made by the jury, it shall be discretionary with the Coroner to call another inquest upon the body without reference to the Court, and a memorandum of the error shall be entered upon the erroneous inquisition.

To view the body. SEC. 7. After the jury have been sworn and charged by the Coroner, they shall go together with the Coroner to view and examine the body of the deceased person. They shall not proceed upon the inquest until they have so viewed the body. After the jury have viewed the body they may retire to any convenient place to hear the testimony of witnesses and deliberate upon their verdict. For this end the Coroner may adjourn the inquest from time to time, as may be necessary.

Issue subpoenas. SEC. 8. The Coroner may issue subpoenas for witnesses, returnable forthwith or at such time and place as he may appoint therein, which may be served by any competent person by reading the same to the witness or informing him or her of the contents thereof, and such witness shall not be entitled to any fee for attendance. Every person served with such subpoena shall be liable to the same penalties for disobedience thereto, and his attendance may be enforced in like manner as in case of subpoenas issued by a Justice of the Peace.

Witnesses. SEC. 9. The Coroner shall summon and examine as witnesses every person who, in his opinion or that of the jury, has any knowledge of the facts, and he may summon a surgeon or physician to inspect the body and to give a professional opinion as to the cause of death; and if it shall be necessary, the Coroner may cause a post mortem examination or chemical analysis to be made, and the expense of such examination or analysis shall be a county charge, to be fixed by the Board of Supervisors.

Verdict. SEC. 10. Witnesses produced shall be sworn by the Coroner, and the whole of the testimony shall be reduced to writing by the Coroner, or under his direction, and signed by the witnesses in the presence of the jury, and each deposition shall have a

jurat attached. The jury, after hearing all the testimony offered before them, shall retire as jurors in other cases and deliberate upon their verdict, suffering no one, not even the Coroner, to mingle with them in their deliberations; but they may, as in the case of jurors in the Courts of law, take the opinion of the Coroner upon any question of law that may arise upon the investigation.

SEC. 11. The Coroner may call upon the District Attorney to assist him in the examination of witnesses, and the jurors may put any proper question to the witness, but the party suspected or charged with the crime shall have no right to produce witnesses on the inquest, or to cross examine those produced on behalf of the people by himself or counsel; nor shall it be necessary that he be present during the examination. But it shall be the duty of the Coroner to examine any witness who he may have reason to believe may know anything concerning the matter pertinent to the inquiry, and to put to any witness any proper and pertinent question that such person may desire. Such party suspected or charged, however, may be attended by counsel on the inquest to advise with him as to his rights in answering any question that may be put to him when under examination. If the party accused of the crime, be present at the inquest, and is then charged with the crime, or the testimony tends to criminate him, and he is called upon by the Coroner to testify, it is the duty of the Coroner first to inform the accused that he is at liberty to refuse to answer any question that he may put to him, otherwise his answer on such examination cannot be read in evidence against him when on trial for the offense. But if such person is not under arrest or charged with the crime, his answer may be given in evidence against him on his subsequent trial for the crime charged, though the Coroner may not have so advised him of his rights. The jury must hear all the evidence offered before them, whether it be in favor of or against any party suspected of the killing.

SEC. 12. Upon the investigation the Coroner's jury shall not be limited in their inquiry like a jury upon the trial of one charged with the crime; their duties shall be to determine if a crime has or has not been committed; and if a crime has been committed, who perpetrated or caused the same to be perpetrated, and all the circumstances attending it; and any proper testimony tending in any degree to throw light upon the subject may be properly given. Matters of opinion, except of professional witnesses, or hearsay evidence, shall not be permitted.

SEC. 13. When the jury shall have agreed upon a verdict they shall reduce their inquisition to writing, which writing shall show before what Coroner the same was taken, and that the same was taken upon the oath of good and lawful men of the county, who were first duly sworn; and it must also show by whom and when the same was executed. They shall also find and certify how or in what manner and when and where the person so dead came to his death, and all the circumstances attending such death; and if a crime has been committed in the case, who were guilty thereof, either as principal or accessory, and in what manner. The jury shall not be required to find who were accessories after the fact—only those before the

fact. If the person who is found dead is unknown, or the person who caused the death is unknown, the jury shall so find; and they shall find, if the fact so appears before them, whether the killing was accidental or suicide, murder or manslaughter, excusable or justifiable homicide; and if the manner of the death is unknown, they shall so state. Such inquisitions shall be signed by such jurors, and the Coroner shall certify the fact that the inquest was held, and indorse under the verdict his approval or non-approval of the same.

Jury may
separate.

SEC. 14. It shall not be necessary that the jury should be kept together until they have agreed upon a verdict. If there shall appear any irreconcilable opinion as to any material fact concerning which they are to make inquest, the jurors agreeing may find accordingly, and two or more inquisitions may be presented.

Coroner.

SEC. 15. If the jury find that any murder or manslaughter has been committed, the Coroner shall bind over the witnesses against the accused to appear and testify at the next Court or Grand Jury, or before any Court at which an indictment for such offense can be found and triable that shall be held in the county, and obey all orders of said Court in the premises. Such recognizance shall be in writing, and shall be subscribed by the parties to be bound thereby. Said recognizances shall be made payable to the people of the State of California. The amount of the same shall be fixed by the Coroner, County Judge, or by the District Attorney, and approved by the County Judge or any of the Judges of a Court of record; and in case of their refusal to sign such recognizance, the Coroner shall have power to commit such witness as in the case of examination of criminals by a magistrate.

Recogniz-
ances.

Testimony
returned to
County
Clerk.

SEC. 16. The testimony of all witnesses examined before a Coroner's jury, together with the inquisition of the jury, and all recognizances taken by such Coroner, shall be returned by him forthwith to the County Clerk of his county.

Power of
Coroner.

SEC. 17. The Coroner shall have the same power on all investigations or inquests as are allowed by law to Judges of Courts of record in this State to preserve order in the matter of investigations before him; and for any disrespect shown towards him or contempt of his authority in his investigations by any juror, witness, or other persons, he shall have power to issue an order for the arrest of said person or persons, and forthwith to have said person or persons brought before the Police Judge or County Judge of his county, to be punished according to law.

Contempt.

SEC. 18. Any juror, witness, or other person summoned as juror, witness, or any other person who may be in attendance on any official investigation, who shall use any disrespectful language towards said Coroner, or behave disrespectfully towards said Coroner in his presence, shall be declared guilty of contempt, and shall be liable to pay a fine not to exceed one hundred dollars, or be imprisoned in the County Jail of said county not to exceed sixty days; said imprisonment to be enforced by any of the magistrates named in the preceding sections, upon the warrant of the Coroner, as provided for in the last section.

SEC. 19. If the Coroner's jury find that any murder or man-

slaughter has been committed, and the person charged with such offense be not in custody, the Coroner shall have power to issue process for the arrest of the person charged. The warrant of arrest must be under the hand of the Coroner, and must recite the finding of the jury upon the inquest, and be directed to the Sheriff, or to any Constable, Marshal, or policeman of the county, and commanding the officer to whom it shall be directed forthwith to take the person accused of having committed such offense, and to bring him before a committing magistrate, to be dealt with according to law. The warrant of the Coroner shall be served in the same manner and in the same places as criminal process issued by a Justice of the Peace in any county of the State, without indorsement by a magistrate of such county.

To issue
process.

SEC. 20. When the inquest shall be held by the Coroner, and there shall be no friends to take charge of the body of the deceased, it shall be the duty of the Coroner, after the same has been viewed by him and the jury, to see that it is properly buried; and in case there shall not be sufficient property belonging to the deceased to pay the necessary expenses of such burial, such expense so incurred shall be a legal charge upon the county. The Coroner shall be entitled to receive two dollars out of the County Treasury for attending to the burial of such dead body.

Burial.

SEC. 21. It shall be the duty of the Coroner to take charge of all money and other valuable things which may be found with or upon the bodies of persons on whom inquests shall be held, when there is no other person legally entitled to take charge of the same; and every such Coroner shall, within thirty days after the holding of such inquest, deliver over to the Treasurer of the county all such money or valuable things which have not been claimed by legal representatives of the deceased.

To take
charge of
valuable
things.

SEC. 22. For a failure on the part of the Coroner to perform such duty required by the last section, or any of the duties required by this Act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five thousand dollars, or imprisonment in the County Jail not to exceed one year, and shall be liable on his official bond for any and all moneys, chattels, and property which shall be found on said deceased, and which shall or may come into his possession belonging to said deceased; the same to be recovered in the name of any party who may be entitled to recover the same in any Court having jurisdiction thereof.

Failure to
perform
duties.

SEC. 23. Upon the delivery of money so found to the Treasurer, he shall place it to the credit of the county. If other property, and perishable in its nature, he shall within thirty days sell the same at public auction, upon reasonable public notice, and shall in like manner place the proceeds to the credit of the county. Other property shall only be sold upon the order of the County Judge. If the said money or property in the Treasury be demanded within six years by the legal representatives of the deceased, the Treasurer shall, upon legal showing, after deducting the fees and expenses of the Coroner and

Property,
how
disposed of.

of the county in relation to the matter, pay the balance thereof to such legal representative.

Statement
of Coroner.

SEC. 24. Before auditing and allowing the accounts of the Coroner, the Supervisors of the county shall require a statement from him, in writing, containing an inventory of all money and other valuables found with or upon all persons upon whom inquests shall have been held, and the manner in which the same has been disposed of, verified by the oath or affirmation of the Coroner making the same that such statement is in all respects just and true, and that the money and other articles mentioned therein have been delivered to the Treasurer of the county, or to the legal representatives of such person or persons.

Coroner to
act as
Sheriff.

SEC. 25. The Coroner shall perform the duties of Sheriff in all cases when the Sheriff is interested or otherwise incapacitated from serving. Whenever the Coroner acts as Sheriff he shall possess the powers and perform all the duties of the Sheriff, and shall be entitled to the same fees as are allowed by law to the Sheriff for similar services.

Vacancy.

SEC. 26. If the office of Coroner be vacant, or he be absent or unable to attend, the duties of his office may be performed by any Justice of the Peace of the county, with the like authority and subject to the same obligations and penalties as the Coroner.

Record of
inquests.

SEC. 27. The Coroner of the City and County of San Francisco, in addition to the duties imposed by this Act upon every Coroner, shall keep a record of all inquests held by him, with a copy of all testimony and the inquisition of the juries in full; and in case of loss of the original records, the same shall be admissible in evidence with like effect as the original would have been.

Deputy
Coroner.

SEC. 28. The Coroner of said city and county shall be authorized to appoint a Clerk, who shall be sworn to act as Deputy Coroner in all matters except those duties on inquests which have been forbidden to be delegated by this Act. The salary of said Clerk shall not exceed one hundred and fifty dollars per month, which shall be paid from the Special Fee Fund of the said city and county. The Coroner of said city and county shall be authorized to appoint a Messenger, whose duty it shall be to have charge of the dead wagon, keep in order the Morgue, and perform such other duties as are required by the Coroner or his deputy in connection with the duties of his office. He shall receive a salary not to exceed seventy-five dollars per month, to be paid in like manner as that of the Coroner's Clerk.

Messenger.

Supervisors
to provide
rooms and
Morgue.

SEC. 29. The Board of Supervisors of the City and County of San Francisco are hereby authorized to provide a suitable office and jury room and Dead House or Morgue, with the furniture necessary to enable the Coroner to efficiently discharge the duties of his office, and to make the necessary appropriation therefor. They are further authorized to audit and pay, for the necessary expenses of maintaining the Morgue and offices attached, such sum as may be necessary, not to exceed seventy-five dollars per month, to be paid out of the General Fund.

SEC. 30. The Coroner of the City and County of San Francisco shall receive no fees for any services rendered by him, but

he shall in lieu thereof receive a salary of four thousand dollars Salary. per annum, payable in like manner as other county officers within said county, to be audited by the Auditor and paid out of the same Fund provided for in the City and County Treasury as in the cases of other officers in said city and county.

SEC. 31. All Acts or parts of Acts in conflict with the provisions of this Act, so far as they so far conflict, are hereby repealed. This Act shall apply only to the City and County of San Francisco. Repealing.

SEC. 32. This Act shall be in force from and after its passage.

CHAPTER CCC.

An Act to amend an Act entitled an Act to incorporate the Town of Brooklyn, and to define and establish the boundary line between said town and the City of Oakland, approved April fourth, eighteen hundred and seventy.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fourteenth section of said Act is hereby amended so as to read as follows:

Section 14. If at any time the owners of more than one half in frontage of lots and lands fronting on any street or proposed street, or any such street or proposed street and another street intersecting the same, or connecting it with any other street between two given points on such street or streets to be specified, or their duly authorized agent, shall petition the Board of Trustees to order to be graded, macadamized, or otherwise improved such street between said points, then it shall be the duty of said Board of Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the improvement to be made on such street, and shall order said improvement as petitioned for to be made in accordance with said plans and specifications, and may make an assessment of one half of the cost thereof to each of the persons owning the real estate fronting on said street between said points, each of said persons to pay one half of the cost of making said improvement in front of his property; or said Board of Trustees may assess less than one half of the cost of said improvement to each of the owners of real estate fronting on said street, and may pay out of the Town Treasury such amount as may be necessary to complete said improvement. Whatever amount may be assessed against said real estate as aforesaid in this section by said Board of Trustees, shall constitute a lien upon such real estate until the assessment is paid or satisfied; pro-

Same. *vided*, that each of said persons shall have the privilege of making such improvement in front of his property in accordance with the plans and specifications and within the time mentioned in the ordinance ordering the improvement to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out in the manner provided by ordinance the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect, or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, when ordered by the Board of Trustees, to institute suit in the name of the town against the owner for the recovery of said costs; and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The plans and specifications herein provided for, and all costs and expenditures for the improvement and repair of the sidewalks in front of the public grounds of the town, and the one half of the cost and expenditure of the improvement of the streets in front of such public grounds, shall be paid out of the Town Treasury.

SEC. 2. The twenty-sixth section of said Act is hereby amended so as to read as follows:

Assessor. Section 26. It shall be the duty of the Town Assessor, in addition to any duty required of him by the Board of Trustees, between the first Monday in May and the first Monday in August of each year, to make out a true list of all taxable property within the limits of said town, which list, certified by him, shall, on the third Monday in August, be by him placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of the property shall be the same as that prescribed by law for assessing State and county taxes, and the Assessor shall receive for his services such sum as shall be fixed by ordinance. The County Assessor shall not assess, and it shall be unlawful for the Board of Supervisors to levy, or the County Tax Collector to collect, any tax upon real or personal property within the limits of the Town of Brooklyn for road or bridge purposes.

CHAPTER CCCI.

An Act for the relief of John J. McCredy.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. Such sum of money, not to exceed the sum of twenty-five thousand dollars, is hereby appropriated out of the General Fund of the State of California, for the relief of John J. McCredy, as shall be found equitably due for losses sustained

by him in the construction of the Institution for the Deaf and Dumb and the Blind, situated in Alameda County and State of California.

SEC. 2. The State Controller is hereby directed to draw his warrant upon the General Fund for such sum as shall be allowed to the said John J. McCredy, in favor of and to the order of the State Board of Examiners, and they, the said Board of Examiners, shall disburse and pay out the said sum allowed in the following manner: Disbursement.

First—Such amounts to those sub-contractors and material men as are found to have just and equitable claims against the said John J. McCredy, for labor and material furnished or performed in the construction of said Institute Building.

Second—Such surplus, after the payment of the said sub-contractors and material men, remaining in the hands of the said Board of Examiners, shall be paid over to the said John J. McCredy. Surplus.

SEC. 3. This Act shall take effect and be in force on and after its passage.

CHAPTER CCCII.

An Act to restrict the hunting or shooting of game in the County of Yolo.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person to hunt or shoot game or discharge firearms within any yard, park, garden, or other private inclosures immediately about a dwelling, the property of another person, in the County of Yolo. Unlawful to kill game in certain places.

SEC. 2. It shall be unlawful for any person, during the months of June, July, August, September, and October of each year, to hunt or shoot game, or to discharge firearms of any description upon any cultivated land in the County of Yolo.

SEC. 3. Any person so offending shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the County Jail for a term not exceeding three months, or by both such fine and imprisonment. Misdemeanor.

SEC. 4. All fines collected under the provisions of this Act shall be paid into the County School Fund of the County of Yolo. Collection of fines.

SEC. 5. This Act shall apply only to the County of Yolo, and all Acts or parts of Acts in conflict with this Act, so far as the same are in conflict, are hereby repealed. Applies to Yolo County.

SEC. 6. This Act shall take effect from and after its passage.

CHAPTER CCCIII.

An Act to amend an Act entitled "An Act to regulate the fees and salaries of officers and defining their duties in the County of El Dorado, and other matters relating thereto," approved March fifth, eighteen hundred and seventy.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-nine of the above entitled Act is hereby amended so as to read as follows:

Amount
of bonds.

Section 39. The amount of bonds of the several officers named in this Act shall be as follows: County Clerk, ten thousand dollars; County Clerk, as ex officio Recorder, ten thousand dollars; County Clerk, as ex officio Auditor, ten thousand dollars; Sheriff, thirty thousand dollars; Sheriff, as ex officio County Treasurer, forty thousand dollars; Sheriff, as ex officio Tax Collector, twenty thousand dollars; Assessor, five thousand dollars; Assessor, as ex officio Collector of poll tax, road tax, and licenses, five thousand dollars; District Attorney, three thousand dollars; Surveyor, one thousand dollars; Coroner, one thousand dollars; Coroner, as ex officio Public Administrator, ten thousand dollars, which may be increased in the discretion of the Probate Judge; County Superintendent of Common Schools, two thousand dollars; Justices of the Peace, five hundred dollars; Constables, five hundred dollars.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCIV.

An Act to amend an Act entitled "An Act to protect agriculture and to prevent the trespassing of animals upon private property," approved March twenty-six, eighteen hundred and sixty-six.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Extension
of Act.

SECTION 1. The provisions of an Act entitled "An Act to protect agriculture and to prevent the trespassing of animals upon private property," approved March twenty-six, eighteen hundred and sixty-six, are hereby extended to all that portion of Merced county lying west of the San Joaquin River.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCV.

An Act for the protection of Miners.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any corporation, association, owner, or owners of any quartz mining claims within the State of California, where such corporation, association, owner, or owners employ twelve men daily, to sink down into such mine or mines any perpendicular shaft or incline beyond a depth from the surface of three hundred feet without providing a second mode of egress from such mine, by shaft or tunnel, to connect with the main shaft at a depth of not less than one hundred feet from the surface. Protection of miners.

SEC. 2. It shall be the duty of each corporation, association, owner, or owners of any quartz mine or mines in this State, where it becomes necessary to work such mines beyond the depth of three hundred feet, and where the number of men employed therein daily shall be twelve or more, to proceed to sink another shaft or construct a tunnel so as to connect with the main working shaft of such mine as a mode of escape from underground accident or otherwise. And all corporations, associations, owner, or owners of mines as aforesaid, working at a greater depth than three hundred feet, not having any other mode of egress than from the main shaft, shall proceed as herein provided.

SEC. 3. When any corporation, association, owner, or owners of any quartz mine in this State shall fail to provide for the proper egress as herein contemplated, and where any accident shall occur, or any miner working therein shall be hurt or injured, and from such injury might have escaped if the second mode of egress had existed, such corporation, association, owner, or owners of the mine where the injuries shall have occurred, shall be liable to the person injured in all damages that may accrue by reason thereof; and an action at law in a Court of competent jurisdiction may be maintained against the owner or owners of such mine, which owners shall be jointly or severally liable for such damages. And where death shall ensue from injuries received from any negligence on the part of the owners thereof by reason of their failure to comply with any of the provisions of this Act, the heirs or relatives surviving the deceased may commence an action for the recovery of such damages as provided by an Act entitled an Act requiring compensation for causing death by wrongful act, neglect, or default, approved April twenty-sixth, eighteen hundred and sixty-two. Liabilities. Damages.

SEC. 4. This Act shall take effect and be in force six months and after its passage.

CHAPTER CCCVI.

An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a Fund therefor.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special free
bridge tax.

SECTION 1. The Board of Supervisors of the County of Trinity are authorized and required annually to set apart the property road tax now authorized by law to be levied and collected in said county as a special free bridge tax, and to devote and expend the same in the construction and maintenance and repair of all such necessary free bridges on the public highways of said county which, in their discretion, the entire population of the county are more or less interested in.

Supervisors
to control.

SEC. 2. The construction and repair of all such bridges shall be under the order, direction, control, and supervision of the Board of Supervisors of said county; or if the Board of Supervisors shall by order designate such officer and require him so to do, the County Surveyor or any Road Overseer of the county may superintend, direct, and control the work, and make and let out contracts therefor.

Proposals.

SEC. 3. When the cost of construction or repair of any bridge will exceed the sum of three hundred dollars, sealed proposals for the work must be invited by publication of notice in a newspaper of the county for two weeks, and such other notices as may by the Board be generally directed. The notice must contain a description of and the point at which the work is to be done, by the Board or officer giving notice. On the day specified therein, the proposals must be opened and the contract awarded to the lowest bidder, who must enter into a written contract and a bond with good security in double the cost of the work, for his compliance with his contract. The District Attorney must prepare the contract and bond free of charge. When the County Surveyor or Road Overseer superintends the work herein required, the Board of Supervisors must allow him a per diem for the time he is actually employed, not exceeding six dollars.

Contract
awarded.

Payment,
how made.

SEC. 4. All sums for construction and repairs made under this Act must be audited by the Board of Supervisors and paid out of the Fund hereby created, on the warrant of the Auditor, by the County Treasurer.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCVII.

An Act to authorize an additional levy of county taxes in the County of Trinity.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the tax for county purposes now ^{Additional} authorized by law to be levied on the taxable property of the County of Trinity, the Board of Supervisors of said county are authorized to levy annually a tax of not exceeding one half of one per cent on all the taxable property of said county; to be levied and collected at the same time and in the same manner as other county taxes are now levied and collected. ^{tax.}

SEC. 2. Of the additional tax by this Act authorized to be levied and collected, the County Treasurer must place one half ^{Disposition} in the County General Fund, and one half in the Redemption Fund for the redemption of county warrants. ^{of tax.}

SEC. 3. The tax hereby authorized may be levied and collected for the year eighteen hundred and seventy-two and each year thereafter. If at the time this Act takes effect the levy of county taxes for this year is made, the Board of Supervisors may, at a regular meeting or a special meeting called for that purpose, make the levy at any time before the fifteenth day of May next, and require the collection of the same on the original or on a supplemental assessment roll. ^{When} ^{levied and} ^{collected.}

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCVIII.

An Act to provide for the opening and improving of Santa Clara and Saratoga Avenue, in the County of Santa Clara.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor of the State of California is hereby authorized and empowered, immediately after the passage of this Act, to appoint five suitable persons, who shall act as and constitute a Board of Commissioners to perform the work, exercise the rights, and carry out the duties hereinafter prescribed. One of said Commissioners shall be commissioned and hold ^{Governor} ^{to appoint} ^{Commis-} ^{sioners.} office for the term of one year, one for the term of two years, one for the term of three years, and two for the term of four ^{Terms.} years.

Santa Clara
and
Saratoga
Avenue
Commissioners.

SEC. 2. Said Board of Commissioners shall be known as "The Santa Clara and Saratoga Avenue Commissioners," and by that name may sue and be sued, institute, prosecute, and defend all suits, actions, and proceedings that may be necessary to exercise the powers and rights and perform the duties hereby granted to and imposed upon said Board.

Powers of
Commissioners.

SEC. 3. Said Board of Commissioners are hereby authorized and empowered to select, locate, survey, grade, enlarge, macadamize, and otherwise improve and ornament the road and avenue hereinafter described; to use and expend the funds hereinafter provided for the purposes herein named, and to do and perform each and every act that may be necessary to fully carry out and enforce the rights and powers and to perform the duties by this Act conferred and imposed upon said Board of Commissioners.

Meeting.

SEC. 4. Said Commissioners shall, within two weeks after their appointment, meet at Cameron's Hotel, in the Town of Santa Clara, and organize by selecting one of their number to act as President and one to act as Secretary of said Board. No member of said Board shall receive any compensation for any services performed by him as such member; but a sum not exceeding one hundred dollars per annum may be applied to the purchase of books, stationery, and similar material. Each member of said Board shall give a bond in the sum of four thousand dollars, payable to the Town of Santa Clara, to be approved by the Board of Trustees of said town, and be conditioned for the faithful performance of the duties hereby imposed.

Bond.

Vacancies.

SEC. 5. Whenever any vacancy shall occur in said Board, by reason of expiration of term or from any other cause, the Board of Trustees of the Town of Santa Clara shall fill the same by appointing some suitable person. When the vacancy to be filled is for a portion of an unexpired term, the person so appointed shall hold office only for the remainder of said term. A full term shall be four years. Said Commission shall remain in existence for the term of six years, and no longer.

Eligibility.

SEC. 6. Said Board of Commissioners shall, within ninety days after their appointment, locate and cause to be surveyed a road leading from the Town of Santa Clara to the Town of Saratoga, by the shortest and most direct route. Said Commissioners may, for the purposes of making and establishing the avenue herein named, take, appropriate, and widen the shortest county road now located between the Town of Santa Clara and the Town of Saratoga. The road so selected shall be known as the Santa Clara and Saratoga Avenue, shall be not less than one hundred feet in width, and shall be and remain a public road and highway for the use of the public free of charge. Said Commissioners shall, after the selection of said avenue, file a plat thereof in the office of the Town Clerk of the Town of Santa Clara.

Location
of road.

Width.

SEC. 7. In addition to the ordinary taxes levied for municipal purposes in the Town of Santa Clara, and for county purposes in the County of Santa Clara, there shall be levied for

the two years next ensuing after the passage of this Act, upon the real and personal property within the Town of Santa Clara, and upon the real and personal property owned and situate without the limits of said town, and following lines and boundaries, to wit: Commencing at a point in the southerly boundary line of the Town of Santa Clara where the center line of Washington street extended southerly intersects said boundary line; running thence along the county road commencing at the southern termination of said street southerly to the center of the county road leading from the City of San José past the Equinox Saloon to Stevens Creek; thence along the center of said Stevens Creek road westerly to where the same crosses the county road leading from the Town of Santa Clara to the Town of Lexington; thence southerly along the center of said county road leading from the Town of Santa Clara to the Town of Lexington southerly to where the same crosses the Los Gatos Creek; thence following up the channel of said creek to what is known as the Ten Mile House on the Lexington road; thence running due southwest to the southwestern boundary line of said county; thence along said boundary line of said county northerly to the head of Stevens Creek; thence down the channel of said Stevens Creek to where the San José and Stevens Creek road crosses said creek; thence in a straight line to the intersection of the Santa Clara and San Francisco stage road with the county road leading from Miliken's Corner to Alviso; thence along the center of said Santa Clara and San Francisco stage road easterly to the westerly boundary line of said town; thence southerly along said westerly boundary line to the place of beginning—a special tax of ten cents on each one hundred dollars, and for the three succeeding years thereafter, yearly, a special tax of five cents on each one hundred dollars. Such special taxes shall be assessed, levied, and collected on all the taxable property within the Town of Santa Clara at the same time, in the same manner, and by the same officers as the general town taxes are assessed, levied, and collected; and on all the taxable property without the limits of said town and situated within said lines and boundaries above specifically set forth, such special tax shall be assessed, levied, and collected each year, at the same time, in the same manner, and by the same officers that State and county taxes are assessed, levied, and collected in the County of Santa Clara. Said officers of said County of Santa Clara and said officers of said Town of Santa Clara are hereby required, directed, and empowered to assess, levy, and collect said special taxes. The County Tax Collector of said county and the Tax Collector of said Town of Santa Clara shall each, on the receipt of any of such taxes, pay the same over to the Town Treasurer of the Town of Santa Clara, taking his receipt therefor.

Tax to be levied.

Boundaries

SEC. 8. The Town Treasurer of the Town of Santa Clara shall keep with the moneys of said town, the money by such special tax thus collected, and shall designate the same in the Funds and upon the accounts of his office as the "Santa Clara

Santa Clara and Saratoga Avenue Improvement Fund.

and Saratoga Avenue Improvement Fund," and said Treasurer shall pay out said money upon the written order of the President, countersigned by the Secretary of said Board of Commissioners; *provided*, that no order shall be drawn or issued other than for claims and demands which shall have been first audited and allowed by said Board.

Fund, how
expended.

SEC. 9. Said Commissioners shall expend said Fund in locating, surveying, establishing, grading, graveling, and macadamizing said Santa Clara and Saratoga Avenue, and in planting the same with shade and ornamental trees, and in generally improving and beautifying said road and avenue. Said Board of Commissioners may proceed under the general laws of this State, in the name of said Board, to condemn such lands or additional lands which may be required for the purposes of said road.

Publica-
tion of
statement.

SEC. 10. Said Commissioners shall, in the month of January of each year, make and publish in some newspaper of the Town of Santa Clara, a sworn statement of the moneys received and expended, and of the work done under the authority of the Act.

Grading
and
graveling.

SEC. 11. The grading and graveling of said avenue, or the macadamizing thereof, shall be let by said Board in sections to be designated by them, to the lowest responsible bidder, after reasonable notice by advertisement given thereof.

Estrays.

SEC. 12. Any person removing or injuring any tree planted by said Commissioners, may be prosecuted civilly, by and in the name of said Board of Commissioners for such injury; or if the act be wanton or malicious may be proceeded against criminally, under the criminal statutes of this State; such action, civil or criminal, may be brought before any Court having jurisdiction thereof. No cattle shall be allowed to run at large upon said avenue, and all cattle, horses, sheep, goats, jacks, or hogs found thereon shall be deemed estrays, and shall be dealt with as is provided in the trespass or estray laws for said county. No part of this section shall be so construed as to prevent the driving of cattle, horses, sheep, goats, jacks, or hogs over said road.

SEC. 13. This Act shall take effect from and on the day of its approval.

CHAPTER CCCIX.

An Act to authorize the transfer of the Indian Fund of Siskiyou County to the School Fund of the county.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Auditor of Siskiyou County must draw his warrant on the Indian Fund of the county for the amount of money therein, in favor of the School Fund of the county, and

deliver the same to the Treasurer of the county, who, on the receipt thereof, must transfer the money in the Indian Fund to the School Fund. Transfer of funds.

SEC. 2. If any money shall hereafter come into the Indian Fund of the county, the Auditor must forthwith draw his warrant therefor in favor of the School Fund, and deliver the same to the Treasurer, who must thereupon transfer such money from the Indian Fund to the School Fund.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCX.

An Act concerning the fees in office of the Sheriff of Monterey.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff of the County of Monterey, for the collection of State and county taxes, except taxes for school purposes, shall receive six per cent on the first ten thousand dollars collected, four per cent on all over ten thousand and under twenty thousand dollars, and two per cent on all over twenty thousand dollars. Fees of Sheriff.

SEC. 2. All Acts and parts of Acts in conflict with this Act, so far as the same so conflict, are hereby repealed.

SEC. 3. This Act shall take effect from its passage.

CHAPTER CCCXI.

An Act authorizing the County Treasurer of the County of Alameda to pay certain claims against said county.

[Approved March 16, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer of the County of Alameda is hereby authorized and directed to pay out of the proper Fund to the holder or holders thereof, on presentation, county warrants number forty-five for the sum of two hundred and twenty dollars, with interest thereon, at ten per cent per annum, from the eighth day of August, one thousand eight hundred and seventy; and also, number nine hundred and sixty-four, for the sum of Payment of certain warrants.

two hundred and eighty-four dollars, with interest thereon, at ten per cent per annum, from the first day of August, one thousand eight hundred and seventy; both of which said warrants were drawn by the Auditor of said county on the Treasurer thereof, and registered by the said Treasurer, number forty-five on the eighth day of August, one thousand eight hundred and seventy, and number nine hundred and sixty-four on the first day of August, one thousand eight hundred and seventy. Both principal and interest shall be paid in the gold coin of the United States of America.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXII.

An Act to provide funds for the School Department of the City of Oakland.

[Approved March 18, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount of
bonds.

SECTION 1. The Council of the City of Oakland are hereby authorized to issue and sell school bonds to an amount not exceeding fifty thousand dollars, payable in twenty years from the date of the issuance of said bonds, in gold coin of the United States of America, and to bear interest at a rate not to exceed eight per cent per annum, payable quarterly, on the second day of January, April, July, and October of each year, in gold coin of the United States.

Denomi-
nation.

SEC. 2. Said bonds shall be in sums of not less than five hundred dollars nor more than one thousand dollars, and shall be signed by the Mayor and Treasurer of the said city, and shall have the seal of the city affixed thereto by the City Clerk. Coupons for the interest shall be attached to each bond, signed by the Mayor and Treasurer of the city.

Advertis-
ing sale
of bonds.

SEC. 3. Before the sale of said bonds the City Council shall, at a regular meeting of the Council, cause to be entered on the records of said Council an order directing the sale of a specified amount of said bonds and the day and hour of such sale; and shall cause a copy of such order to be inserted in a newspaper published in said city, for at least ten days, and in any other newspaper published in the State, at their discretion; and a notice that sealed proposals will be received by said Council for the purchase of said bonds on the day and hour named in said order. The said Council shall open all sealed proposals received by them, and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that the said Council may reject all bids; and *provided* further, that no bonds shall be sold for less than ninety cents in gold coin on the dollar, par value.

Award of
proposals.

SEC. 4. The amount of bonds sold and their number and

dates shall be entered on the records of said Council in a book kept for that purpose. Record book.

SEC. 5. The proceeds of the sale of said bonds shall be paid into the City Treasury to the account of the School Fund of said city, and after the extinguishment of any deficiency in the General School Fund, to meet the expenses of the schools of the City of Oakland for the year ending June thirtieth, eighteen hundred and seventy-two; and any like deficiency that may occur during the year ending June thirtieth, eighteen hundred and seventy-three, to an aggregate amount in both years not exceeding eighteen thousand dollars, shall be used for the sole purpose of purchasing lots, erecting additional school buildings, the making of permanent improvements on school property, or the purchase of school furniture; *provided*, that no portion of the funds thus received from the sale of said bonds shall be expended without the consent of four members of the Board of Education and four members of the City Council.

SEC. 6. After any of the said bonds are sold, and until all bonds sold are redeemed, the said City Council are hereby authorized, and it shall be their duty, to levy annually at the same time and in the same manner as other city taxes are levied, a tax on all the taxable property in the city in addition to the amount authorized by the City Charter Act, approved April twenty-fourth, eighteen hundred and sixty-two, sufficient to pay the interest on all of said bonds not paid. Said tax, when collected, shall constitute a Fund for the payment of the interest on said bonds, and shall be called the "School Bond Interest Fund;" and if any interest shall be due on said bonds and there is no money in said Fund to pay the same, the City Council shall order the Treasurer to transfer from any or all other Funds of said city, except the School or other Interest and Sinking Funds, a sufficient sum to pay said interest. All moneys remaining in the Treasury belonging to the School Bond Interest Fund, after all interest has been paid, shall be applied to the redemption of bonds as hereinafter provided. Levy of taxes.

School Bond Interest Fund.

SEC. 7. The City Council shall each year, after the lapse of ten years from the date of the issuance of said bonds, levy a tax not to exceed in each year ten cents on each one hundred dollars in value on all taxable property in said city. The said tax, when collected, shall constitute a Fund which shall be called the "School Bond Redemption Fund," and whenever there shall stand to the credit of that Fund upon the Treasurer's books the sum of one thousand dollars or more, the City Council shall advertise in a newspaper published in the said city for the space of three weeks for sealed proposals for the redemption of said bonds; and in one week from the expiration of the time of such publication the said Council shall open the sealed proposals, and shall pay the bonds offered at the lowest price as far as the money in the said School Bond Redemption Fund will extend; *provided*, that no bids shall be considered for more than par value of said bonds. Should there be no proposals made for par value or less, then the money in said Fund shall be kept in said Fund until such time as the Council may deem best, when they may advertise as before for the redemption of said bonds; *provided*, that in the year eighteen hundred Redemption tax.

Redemption.

and ninety one, the City Council are authorized, and it shall be their duty, to levy a tax sufficient in addition to the amount remaining in the "School Bond Redemption Fund," to pay all bonds issued under this Act, and at that time remaining unpaid.

Canceled.

SEC. 8. Whenever any bond shall have been paid the City Treasurer shall mark the same "Canceled" over his signature, and shall punch the signatures on each bond and coupon, and return the same to the Mayor with the interest coupons which are not then due attached, who shall carefully file such bonds in his office.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAPTER CCOXIII.

An Act authorizing certain persons to improve a portion of Kings River, and to erect booms thereon.

[Approved March 18, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Improve-
ment of a
portion of
Kings
River.

SECTION 1. Jesse Morrow, Elias Jacob, and Charles P. Converse, their associates and assigns, are hereby authorized and empowered, at their own expense, to improve that portion of Kings River, in the County of Fresno, lying and being between the confluence of the middle fork of said river and Acker's ranch, in said county, by removing therefrom all obstructions to the use of said river for floating timber, lumber, saw logs, and wood down the same. The improvements of said river must be commenced within one year, and completed within three years from the date of the passage of this Act; and said parties shall, within said period, expend in the work of improving and making said river available and practicable for the uses and purposes aforesaid a sum not less than fifteen thousand dollars, in gold coin.

Booms.

SEC. 2. After the completion of the improvements of said river mentioned in section one herein, it shall be lawful for the persons making said improvements to erect upon said river, at a point above all irrigating canals, and at such points and in such manner as shall not prevent the use of the waters of said river for mechanical, irrigating, or milling purposes, or prevent the free use of the land lying on the margin thereof, and not lower down than Acker's ranch, in said county, a boom or booms for the purposes of securing the wood, lumber, and timber being floated down said stream, and to maintain such boom or booms for the period of twenty years; and during said period to charge and collect, demand and receive, as toll and compensation for the use of said improvements on said river from each and every person and corporation using the same, at such rate per thousand feet of lumber or timber, board measurement, and per

Tolls.

cord of wood, as the Board of Supervisors of the County of Fresno shall, when said improvement shall have been made as in this Act provided, and from time to time thereafter fix and determine.

SEC. 3. The use of said stream and the improvements to the same, when made, between the points in this Act described, shall be open equally and alike to all persons and corporations who may desire to use the same, subject only to the condition of the payment of the toll which may have been fixed and prescribed as in this Act provided; *provided*, all lumber, timber, and wood floated down said river, between the points herein designated, by other persons than the owners of said boom or booms shall be so marked as to enable the owner or owners thereof and others to identify the same. Conditional use of stream.

SEC. 4. If the owners of material floated down said river as provided in this Act fail to take up and remove the same within ten days after it shall have reached the boom, the owners of said boom may remove and pile the same at the expense of the owner thereof. The toll authorized to be charged by this Act and the necessary actual expense of removing and piling shall be and remain a lien on all such lumber and materials until the same is paid, in United States gold coin; and if the same shall remain unpaid for the period of twenty days after such lumber or other materials shall have been removed and piled, the owners of said boom or booms may proceed, by action in any Court of competent jurisdiction, to enforce the lien against such lumber and materials as in other cases. Failure to remove material.
Lien.

SEC. 5. For the purpose of determining when the franchise to the persons named in this Act shall commence or date, it is hereby made the duty of the Board of Supervisors of the County of Fresno, at their first session after the said persons or their associates or assigns shall file with them a written statement to the effect that they have completed the improvements to a portion of said river between the points herein designated as contemplated herein, and made the same passable and practicable for the uses and purposes contemplated by this Act, to appoint three persons, registered voters of said county, as Commissioners to view said improvements and report thereon. If a majority of the Commissioners so appointed report, in writing, to said Board that said stream between the points herein designated is free from obstructions and practicable for the uses and purposes in this Act contemplated, and have actually expended in the improvement of said river, in making the same available for the purposes in this Act stated, not less than fifteen thousand dollars in gold coin, the said Board of Supervisors shall make an order and cause the same to be entered upon the minutes of their proceedings, setting forth that the persons named herein, their associates and assigns, have so improved said river between the points herein designated to the extent herein stated, and have expended in and about said work of improvement the sum aforesaid; that the same is feasible and practicable for the uses and purposes contemplated in this Act. From and after the date of the entry of such order, and for and during the period stated in section two herein, the persons named, their associates and assigns, shall be and are hereby authorized and empowered Completion of work.
Supervisors to fix rates of tolls.

to charge, demand, and receive, at the rate fixed and prescribed by the Board of Supervisors, toll upon all timber, lumber, and wood floated down and upon said river, between the points herein designated, and to charge and receive the necessary expenses for removing and piling the same when the owners thereof refuse or neglect to do so. The Commissioners in this section mentioned shall be paid for their services by the owner of the boom or booms a reasonable compensation; *provided*, that nothing in this Act shall authorize or allow the grantees, their associates or assigns, to claim or collect any damages from any county road, or bridge company, or railroad company for crossing said river, or for erecting any bridge across the same for railroad or other travel.

Reduction
of tolls.

SEC. 6. The Board of Supervisors of said county shall, at the time of making the entry of the order as provided in section five herein, by an order in their minutes of proceedings, fix the rates of toll to be charged by the owner or owners of boom or booms authorized under the provisions of this Act, which may from time to time thereafter be reduced, should said Board, on complaint made, consider the rates too high. Whenever five persons interested in or affected by the tolls charged, shall sign and file with said Board of Supervisors a complaint in writing, setting forth that the rates of toll are excessive, and shall also serve a notice upon any owner or managing agent in charge of any such boom or booms, specifying the day upon which the complaint will be presented, and that application will be made to said Board to reduce the rates of toll, not less than twenty days from the date of the service of such notice, the said Board of Supervisors shall on the day specified, after proof of service of the notice, proceed to consider the application. Witnesses may be examined for and against the application. After hearing the application the Board shall determine the matter, and may, if in their opinion and judgment the rates of toll are too high, reduce the same, specifying by an order the rates to be thereafter charged. It shall not be lawful to charge any higher or other rates of toll, than as authorized by said Board of Supervisors. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof before any Court of competent jurisdiction, shall be fined not less than twenty nor more than two hundred dollars, and such fine when imposed may be enforced by imprisonment at the rate of two dollars per day; *provided*, no imprisonment under this Act shall exceed six months.

Violation
of Act.

Forfeiture
of franchise

SEC. 7. After said franchise shall vest as in this Act provided, the owner or owners of the same shall thereafter, and during all the time of the continuance thereof, keep the channel of said river free from all obstructions to the use of the same for floating timber, lumber, sawlogs, and cordwood; any failure to do so for a period of four months continuously, shall work a forfeiture of all the rights and privileges conferred by this Act.

SEC. 8. At any time after five years from the taking effect of the franchise hereby granted, the County of Fresno may purchase from the owners of the same all their right and privilege to charge and collect tolls by virtue of this Act by paying the value of the same, and the boom or booms erected and used in

and about the same. For the purpose of ascertaining such value in the absence of an agreement by the parties interested, the same shall be appraised and paid for under the provisions of the seventh section of the Act entitled an Act to provide for the construction and maintenance of toll roads within the State of California, approved April fourth, eighteen hundred and seventy.

SEC. 9. Any person or persons who shall cut, injure, or remove the whole or any part of any boom, or other improvements constructed under authority of this Act, or who shall remove any timber, lumber, or wood from any boom or pile where the same may have been placed by the owners of such boom, unless with the consent of such owner or owners, without having paid the toll and necessary expenses thereon, shall be guilty of a misdemeanor, and on conviction thereof before any Court of competent jurisdiction shall be fined in any sum not exceeding five hundred dollars, to which may be added imprisonment in the County Jail, not exceeding six months.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXIV.

An Act to amend an Act entitled "An Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo," approved March twenty-ninth, eighteen hundred and seventy.

[Approved March 19, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of the said Act is hereby amended to read as follows:

Section 6. The County Clerk shall receive for all services rendered by him as such Clerk, or as Auditor, Clerk of Board of Supervisors, Clerk of the Board of Equalization, Clerk of the Board of Canvassers, or in any other way, by virtue of his office or any of his ex officio offices, and for all services rendered by him for which fees are now chargeable against the county, the sum of eight hundred dollars per annum; *provided*, that this Act shall not affect the right of said County Clerk to receive from the State that portion of his compensation as Auditor which is now allowed by law, chargeable against the State for services rendered in and about the collection of the revenue of the State, and also that said County Clerk shall be entitled to receive such fees in civil cases as are already fixed by law.

SEC. 2. Section seven of said Act is hereby amended to read as follows:

Section 7. The Sheriff shall receive for taking bonds or

Sheriff. undertakings in any cases in which he shall be authorized to take the same, fifty cents; for serving any notice, rule, or order, fifty cents; for serving an attachment on property or levying an execution, or executing an order of arrest or order of delivery of personal property, one dollar and fifty cents; for commissions for receiving and paying over money on execution or process, where lands or personal property have been levied on, advertised and sold, on the first one thousand dollars, two per cent, and on all sums above that amount, one per cent; for commissions for receiving and paying over money on execution without levy, or when the lands or goods levied on shall not be sold, two per cent on the first thousand dollars, and one per cent on all over that sum; for other services not herein enumerated, the same fees as are now allowed by law; *provided*, that the Sheriff shall receive for all services to be hereafter rendered by him to the County of San Luis Obispo in civil cases, in which said county may be a party, and in all criminal cases, and in lieu of all other compensation of fees of whatever kind for services in such cases, and for all services rendered by him for which fees are now chargeable against the county, a salary of fifteen hundred dollars per annum.

SEC. 3. Section nine of said Act is hereby amended to read as follows:

**County
Assessor.**

Section 9. The County Assessor shall receive for all services to be rendered by him as such Assessor, the sum of five dollars per day during the time he shall be actually and necessarily engaged in the discharge of the duties of said office. The Board of Supervisors shall audit the accounts of said Assessor, quarterly, and when audited, a warrant for the amount thereof shall be drawn by the County Auditor upon the County Treasurer. Said Assessor shall receive no other compensation whatsoever, and no additional compensation shall be allowed.

SEC. 4. Section ten of said Act is hereby amended to read as follows:

**District
Attorney.**

Section 10. The District Attorney shall receive for his services a salary of seven hundred dollars per annum. He shall also receive such other compensation as is now provided for by law, exclusive of salary.

**County
Surveyor.**

SEC. 5. The fees of the County Surveyor of said county shall be as follows: For the first mile run with compass and chain, five dollars; for each succeeding mile, three dollars; for each mile run with compass alone, two dollars; for traverse work with compass and chain, ten dollars per day; for each lot laid out and platted, in any town, three dollars; for recording a survey, two dollars; for calculating the quantity of every tract of land, or any subdivision thereof, town lots excepted, one dollar; for ascertaining the location of town lots in any old survey, and measuring and marking the same, three dollars; for erecting a monument, when required, at the corner of any survey, two dollars; for copies and certificates, per folio, thirty cents; for traveling fees, going to the place of survey, going only, per mile, thirty cents; expenses of assistants shall be an additional charge to be agreed upon between the parties; for erecting a monument, when running a line at a variation or offset, when required, fifty cents; for copy of any plat or survey and certificate re-

quired by any person, or to be transmitted to the Surveyor General, two dollars, to be paid by the party requiring the survey; for services performed in reference to the view, location, or survey of any road, he shall receive as compensation ten dollars per diem, and his assistants each three dollars per diem, which sum shall be allowed by the Board of Supervisors, and paid by their order, by warrants drawn on the Road Fund of the district in which such view, location, or survey shall have been made, or on the General Road Fund of the county.

SEC. 6. When under and pursuant to the provisions of said Act, as hereby amended, any officer is paid a salary, the County Auditor shall draw his warrant quarterly in payment of said salary. Warrants may be drawn by the County Auditor on the County Treasurer for indebtedness against said county when bills for the same shall have been approved by the Board of Supervisors, and any warrant drawn for the salary of any county officer, as the same may be fixed by law, or in payment of indebtedness against said county, when the same shall have been approved as in this section provided, shall be paid in the order of its registration, and not otherwise; and no warrant drawn under the provisions of this Act, or for any indebtedness against said county, shall bear interest. Salaries payable quarterly.

SEC. 7. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they refer to the County of San Luis Obispo, are hereby repealed.

SEC. 8. This Act shall take effect and be in force on and after its passage.

CHAPTER CCCXY.

An Act to amend an Act entitled "An Act concerning roads and highways in the County of San Mateo," approved March twenty-fifth, eighteen hundred and sixty-eight.

[Approved March 19, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. Any person or persons desiring to have a road laid out, altered, vacated, or changed in said county shall make application by petition in writing to the Board of Supervisors, which may be done at any meeting of said Board, which application shall state, with particularity, the starting point, the course and terminus thereof, if a new road, or if an alteration or vacation of an established road, such proposed alteration or vacation shall be described in like manner. Petitions.

SEC. 2. Section three of said Act is hereby repealed.

SEC. 3. Section five of said Act is hereby amended so as to read as follows:

Road
Viewers
and
Surveyors.

Report,
plat and
field notes.

Claims for
damages.

Section 5. Upon the filing by the petitioners of a sufficient bond in a penal sum to be fixed by the Board for the payment of the costs of the location, alteration, or vacation of the proposed road, or the deposit with the Clerk of such sum of money as may be required by the Board for that purpose, the Board of Supervisors shall appoint as Road Viewers three disinterested citizens, one of whom shall be a practical surveyor, and shall place in the hands of such Viewers the petition for the proposed road. Said Viewers, after taking an oath to faithfully perform the duties devolving upon them by law as such Road Viewers, shall proceed without delay to view the proposed location, alteration, or vacation, and shall decide whether such location, alteration, or vacation is required for public convenience, and they shall take into consideration private as well as public interest. If, in the opinion of the Viewers, the public interest requires the proposed location, alteration, or vacation, they shall take to their assistance two chainmen and a marker, and shall proceed to survey said proposed location or alteration, and shall distinctly mark the commencement, the courses and distances, and the terminus of said road as located or altered. And the surveyor shall make a plat and field notes of such survey, which shall be filed as a part of the report of said Viewers. After said Viewers have located the road and prepared said survey and plat as above provided, they shall fix a time and place at which they will receive written applications for damages from parties whose lands may be affected by the location or alteration of said road, and from parties who will otherwise be pecuniarily affected by the proposed location or alteration, which time shall be sufficiently remote to enable all parties interested to have a full opportunity to be heard, and shall in no case be less than five days. After fixing such time and place said Viewers shall cause to be notified all persons owning land which will be affected by such proposed location or alteration, which said notice shall state the time and place for receiving said applications. Said notice shall be served by delivering to the said owner personally, or by leaving it at his usual place of residence; *provided*, said owner lives upon the lands affected; if the owner does not live upon the lands affected, then it shall be served by inclosing it in an envelop, with the postage prepaid and properly directed, and addressed to the Post Office address of said owner; if the Post Office address of said owner be not known to the Viewers, then by posting said notice on some conspicuous place on said land. Any person notified, as in this Act provided, failing to file his claim for damages with said Viewers at the time fixed, shall be deemed to have dedicated the land over which said road shall pass to public use, and such person shall be forever barred from bringing any action for damages therefor, or from bringing or commencing any suit or proceeding whereby such road might be defeated or vacated, and said notice shall specify that fact. At the time fixed for receiving applications for damages, or at such further time as the Viewers may continue the same to, said Viewers shall proceed to hear the parties and such evidence as they may produce bearing upon the case, and may continue the matter from time to time until they have completed

the examination. As soon as they shall have completed their Same. labors the Viewers shall file with the Board of Supervisors the survey and plat so made as aforesaid, and also a full report of their proceedings in the premises, in which they shall set forth who of them were present at each of their meetings; whether such location, vacation, or alteration is or is not advisable; the expenses of the Viewers and survey, who, if any have appeared before them and claimed damages by reason of such location, alteration, or vacation; the amount of damages awarded separately to each applicant; and the total amount of damages awarded by reason of the opening, alteration, or vacation of such road. Said report shall also be accompanied by the certificate of said Viewers, or the affidavit of some competent person showing the name of every person served with notice, and the time and manner of such service, and the fact of posting, as required in this section. The Viewers, in estimating the damages that any one will receive by reason of the location or alteration of said road, shall take into consideration the benefit that such person will receive by reason thereof as an offset to such damages.

SEC. 4. Section six of said Act is hereby amended so as to read as follows:

Section 6. At the first meeting of the Board of Supervisors after the filing of such report the said Board shall proceed to consider all matters touching the proposed location, alteration, or vacation, and all proceedings, claims, and reports made in relation thereto, and may hear such evidence as the parties interested may introduce in relation to the same; and if in their opinion the public good and convenience require that the proposed location, alteration, or vacation should be established, they shall confirm the report of said Viewers, in whole or in part, as they may deem advisable, as a public highway, in which case the damages assessed and the costs which have accrued shall be paid out of the Road Fund of the respective townships through which the road passes, each township paying such pro rata of the damages and costs as shall be ascertained and be determined by the Board of Supervisors; *provided*, the Board of Supervisors may make the establishment of such road or alteration conditional upon the payment by the petitioners of all or any part of the damages assessed, or of the costs which may have accrued, or both the damages and costs. If in the opinion of the Board of Supervisors the proposed location, alteration, or vacation is not necessary for the public good, or is not of sufficient importance to warrant the action asked for, they may refuse to confirm the report of the Viewers, and may discontinue proceedings in the premises; and they shall then direct the District Attorney to collect the expenses which may have been incurred upon the Board hereinbefore provided for, or order that such expenses be paid out of the money deposited by the petitioners, if any shall have been so deposited. Whenever the Board of Supervisors shall ascertain and determine the pro rata of damages and costs to be paid by the several townships as above provided, they shall cause an order to that effect to be entered in the minutes of the Board, and it shall be the duty of the Clerk of the Board to transmit without delay a certified

Duties of
the Board
of Super-
visors.

Trustees of
Townships

copy of said order, or so much thereof as may be applicable to the township to be effected thereby, to the Clerk of the Board of Trustees of the several townships to be affected thereby. The Board of Trustees of the respective townships affected by said order, at their first meeting after the receipt of said certified order from the Clerk of the Board of Supervisors, shall draw a warrant in favor of the Clerk of the Board of Supervisors upon the Road Fund of the township, and cause the same to be paid and the money to be transmittable without delay to the Clerk of the Board of Supervisors, to be by him paid to the parties entitled thereto; *provided*, there is sufficient funds in the Township Treasury applicable thereto. If there are not sufficient funds in the Township Treasury applicable to the payment thereof, then said warrant shall be registered by the Township Treasurer and paid as other warrants are, subject to all laws applicable to the payment of demands against the township. Whenever the Clerk of the Board of Supervisors shall pay to any one the amount of damages which may have been awarded to him under the provisions of this Act, he shall take a receipt from said party and file the same in the office of the Clerk of the Board of Supervisors, and shall make a memorandum of the said payment in the minutes of the Board. No road shall be opened under the provisions of this Act until all damages have been paid to the parties entitled thereto, or have been deposited with the Clerk of the Board of Supervisors, and to be paid by him as aforesaid. If the written consent of the owner or owners of all lands through which a proposed road is to run be filed with the petition, then the proceedings of the Board of Supervisors may be summary, and the same may be immediately declared a public road if the Board shall deem it for the public interest so to do; but the same shall nevertheless be surveyed and a plat and field notes thereof be filed with the Clerk of the Board of Supervisors.

SEC. 5. Section fourteen of said Act is hereby amended so as to read as follows:

Construction and
repairs.

Section 14. The construction and all repairs and improvements necessary to be made upon the public roads and bridges of said county, the cost of which will exceed fifty dollars, shall be made by contract, let to the lowest responsible bidder, after notices shall have been posted in at least two public places in the township, one of which notices shall be posted in some public place in the road district where the improvement is to be made at least ten days before the time for opening the bids on such contract. Said notices shall state the locality of the road or bridge to be constructed, repaired, or improved, the time when the several bids will be opened. And the Board of Trustees shall draw up plans and specifications of the character of the improvements or repairs to be made, which shall be left with the Clerk of the Board of Trustees for the inspection of all persons wishing to bid for the contract. And said notices shall specify where said plans and specifications can be seen. The said Board may, in their discretion, reject all bids on said contract or contracts. Said Board of Trustees shall have power, in their discretion, to let out by contract, in the same manner as is provided for the construction, repairs, and im-

Contracts.

provement of public roads, the keeping in repair and good order such of the public roads or such sections of the public roads in their respective townships as they may see fit, not exceeding one year. All persons entering into such contract with said Trustees shall enter into a bond, with two good and sufficient sureties, in a sum equal to the contract price of the work to be performed, conditioned for the proper performance of such contract. In case of sudden emergency and great public necessity, as where a bridge or an important road has been destroyed and the like rendering the road impassable, the Board of Trustees may, in their discretion, procure the necessary work to be done without delay, either by contract or under the direction of the Roadmaster, as they shall deem best.

SEC. 6. Section nine of the Act to which this is amendatory, and the Act amendatory and supplementary to said Act, approved March twenty-fourth, eighteen hundred and seventy, are hereby repealed. Repealed.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXVI.

An Act amendatory of and supplementary to an Act entitled an Act to reincorporate the City of Placerville and extend the limits thereof, approved April sixth, one thousand eight hundred and sixty-three.

[Approved March 19, 1872.]

The People of the State of California represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an Act to reincorporate the City of Placerville and extend the limits thereof, approved April sixth, one thousand eight hundred and sixty-three, is hereby amended so as to read as follows:

Section 1. The area of the City of Placerville shall be south half of northeast quarter, southeast quarter, east half of southwest quarter, and southeast quarter of northwest quarter of section seven; west half of section and southwest quarter of northeast quarter, southeast quarter of northeast quarter, west half of southeast quarter, and northeast quarter of southeast quarter of section eight; southwest quarter of northwest quarter, and northwest quarter of southwest quarter of section nine; north half of northwest quarter of section seventeen; north half of northeast quarter, and northeast quarter of northwest quarter of section eighteen, township ten north, range eleven east, Monte Diablo base and meridian; containing eleven hundred and sixty acres.

Boundaries
of the city
of Placerville

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCXVII.

An Act to encourage the destruction of squirrels and gophers.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bounty. SECTION 1. It shall be lawful for the Board of Supervisors of the County of Alameda to fix and determine the bounty to be paid for the destruction of each gopher and squirrel, and to prescribe rules for making proof of such destruction and obtaining such bounty within said county or such portions thereof as may be formed into a bounty district under the provisions of the next succeeding section.

Bounty districts. SEC. 2. Any persons desiring to form a bounty district may petition the Board of Supervisors to be set off as such, which petition shall define the limits of the proposed district, and shall bear signatures representing five-eighths at least of the owners of all real estate within such proposed district, the genuineness of such signatures to which said petition, and the fact that such signatures represent at least five-eighths of the owners of all real estate within the said proposed district, shall be verified by the affidavit of at least two of said petitioners indorsed upon or annexed to said petition, upon the receipt and filing of which the said Board may declare the district so petitioned for as set off as a bounty district.

Abolishment. SEC. 3. The said Board may, at any time in its discretion, abolish any bounty district created under this Act, but the said district shall remain liable to the levy and collection of taxes sufficient to pay all claims arising under this Act.

Tax. SEC. 4. The said Board shall levy upon the land within any such bounty district, a special tax not exceeding five cents on each one hundred dollars valuation thereof, to be levied and collected in the same manner as and with the other county taxes and at the same time.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXVIII.

An Act for the relief of the Central Pacific Railroad Company.

[Approved March 20, 1872.]

Preamble. WHEREAS, On the fifth day of February, eighteen hundred and sixty-eight, the San Joaquin Valley Railroad Company filed a certificate of incorporation in the office of the Secretary of State, which omitted to state in the affidavit thereunto attached that the ten per cent on each one thousand dollars for each mile

of its proposed road had been paid "in cash" to the Treasurer of said company; and whereas, it appears that said omission was a clerical mistake, and that said ten per cent was in fact paid to said Treasurer "in cash," as required by law; and whereas, said railroad company have expended more than two millions of dollars in the construction of its road, and has since consolidated itself with other railroad companies under the corporate name of the Central Pacific Railroad Company; now, therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The San Joaquin Valley Railroad Company shall be deemed to have been a valid corporation and to have been duly organized, notwithstanding the omission of the words "in cash" occurring in the affidavit attached to its certificate of incorporation.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCXIX.

An Act to amend an Act entitled an Act for the protection of game, approved May thirteenth, eighteen hundred and fifty-four.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the above entitled Act is hereby amended so as to read as follows:

Section 2. It shall not be lawful for any person or persons to take, kill, or destroy the male or female of any elk, deer, or antelope between the first day of January and the first day of August in each year; *provided*, that in the Counties of El Dorado, Placer, Sierra, and Siskiyou it shall not be lawful for any person or persons to take, kill, or destroy the male or female of any elk, deer, or antelope between the first day of February and the first day of August in each year. ^{Killing game.}

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCXX.

An Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-two.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended to read as follows:

Act
applying to
Town of
San Luis
Obispo.

Section 2. Sections numbered from two to fifteen, both inclusive, of an Act to provide for the incorporation of towns, passed April nineteen, eighteen hundred and fifty-six, as the same now stands amended by subsequent Acts, shall apply to and govern said Town of San Luis Obispo, so far as the same do not conflict with the provisions of this Act.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXXI.

An Act concerning estrays in the County of Napa.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Districts.

SECTION 1. The Board of Supervisors shall divide the County of Napa into three or more districts, within the limits of which it shall not be necessary for the protection of crops that farmers and cultivators of the soil shall have any fences whatever.

Estrays.

SEC. 2. All horses, asses, mules, horn cattle, sheep, goats, and hogs found running at large in the district outside of the inclosure of the owner, and grazing or wandering either in or upon the public streets or highways, or over the lands of another without his consent, shall be deemed estrays.

Pound-
master.

SEC. 3. The Board of Supervisors of said county shall annually appoint a Poundmaster for each district.

Inclosure.

SEC. 4. The Poundmaster shall provide a suitable inclosure field for holding all stray animals delivered to him.

To take up
estrays.

SEC. 5. It shall be lawful for any person to take up any estray and deliver it to the Poundmaster, who shall forthwith receive such estray and confine it in the pound, and take care that it is supplied with sufficient food and water.

Compensation.

SEC. 6. The person so taking up such estray and the Poundkeeper shall receive such compensation as shall be fixed by the

Board of Supervisors annually for the expenses of taking up such estray and the keeping the same in pound, and for advertising and other expenses.

SEC. 7. The Poundmaster shall, immediately after confining an estray or estrays, cause a notice of the fact to be posted in a conspicuous place at the nearest Post Office, which notice shall contain the mark or brand of the estray, or in the absence of any mark or brand, a short description of the estray; and in case the estray shall not be reclaimed and all expenses paid within five days, the Poundmaster shall cause the same notice to be published in some daily or weekly newspaper within the county for one week, or until the owner or his agent shall reclaim the estray and pay all expenses aforesaid.

Publication of description of estray.
Notice of sale.

SEC. 8. After such notice, if the estray be not reclaimed and all expenses paid, the Poundmaster shall proceed to sell said estray at the pound, after ten days notice of such sale has been posted at the same place; but the owner or his agent may reclaim the estray and pay all expenses at any time before the sale.

Sale.

SEC. 9. Any person or persons who shall willfully tear down or remove any fence or barrier, or leave open any gate or bars, and thus enable animals to escape from or encroach upon the premises of another, shall be deemed guilty of a misdemeanor, punishable on conviction before a Justice of the Peace for the county by a fine not to exceed ten dollars for a first offense, and for a repetition of such offense may be tried in the County Court and punished by fine or imprisonment or both, at the discretion of the Court.

Removing fences.
Penalty.

SEC. 10. Poundbreach is declared to be a misdemeanor, and any person guilty thereof shall be fined in a sum not exceeding five hundred dollars, or imprisoned till the fine be paid, as in case of other misdemeanors by the laws of this State.

Poundbreach.

SEC. 11. All Acts and parts of Acts in conflict with this Act are hereby repealed.

CHAPTER CCCXXII.

An Act supplementary to an Act entitled "An Act concerning crimes and punishments," passed April sixteenth, eighteen hundred and fifty.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person who shall feloniously steal, take, and carry away, or attempt to take, steal, and carry from any mining claim, tunnel, sluice, under current, riffle box, or sulphurate machine any gold dust, amalgam, or quicksilver, the property of another, shall be deemed guilty of grand larceny, and upon conviction thereof shall be punished by imprisonment

Grand larceny.

Penalty. in the State Prison for any term of not less than one year nor more than fourteen years.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER CCCXXIII.

An Act to provide for the payment of expenses incurred in construction of new State Armory, and for services rendered in cleaning and restoring State military property.

[Approved March 20, 1872.]

Preamble. WHEREAS, During the administration of Ex-Governor Haight a large amount of the property of the State, to wit: three hundred thousand dollars worth of ordnance and ordnance stores, were found to be in a damaged condition from want of proper care; and whereas, the Commander in Chief and the Adjutant General of the State, upon recommendation of a Board of Survey specially convened for the purpose of examining and reporting on condition of arms belonging to the State, in order to preserve this property, did contract with certain parties for labor and material; therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of nine thousand one hundred dollars is hereby appropriated out of any moneys in the General Fund not otherwise appropriated for the objects herein named, to wit: for carpenter's work, two thousand five hundred and seventy-six dollars and fifty cents; for lumber, two thousand five hundred and ten dollars and sixty-nine cents; for general materials, one thousand eight hundred and ninety-three dollars and sixty-six cents; for labor of boys, nine hundred and twenty-two dollars and fifty cents; for labor of different men, seven hundred and thirty-five dollars and twelve cents, and for ironwork, four hundred and sixty-one dollars and fifty-three cents. Total amount, nine thousand one hundred dollars. And the State Controller is hereby directed to draw his warrant in favor of such persons whose accounts the State Board of Military Auditors shall audit and allow, not to exceed the sum hereby appropriated, and the Treasurer of State is hereby required to pay the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCXXIV.

An Act in reference to the County Assessor of Napa County.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Assessor of Napa County shall receive for his services in making the assessment and in making up the assessment roll of Napa County, and for all statistical reports required by the Surveyor General of California, the salary of fifteen hundred dollars per annum, payable annually out of the County Treasury of said county.

SEC. 2. It shall be the duty of the County Auditor of said Napa County, on the first Monday of August annually, to draw a warrant upon the County Treasurer in favor of the County Assessor for the amount of salary due him under the provisions of this Act. Auditor to draw warrant.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCXXV.

An Act for the relief of Henry N. Morse, Sheriff of Alameda County.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and directed to draw his warrant for the sum of two thousand dollars, in favor of Henry N. Morse, Sheriff of Alameda County, in payment for services rendered the State in the capture and arrest of Jesus Tejada and Juan Soto, said warrant payable out of any money in General Fund of the State Treasury not otherwise appropriated, and the State Treasurer is hereby authorized to pay the same. Relief of H. N. Morse.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXXVI.

An Act to prevent hogs and goats running at large in the Town of Knight's Landing, Yolo County.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- | | |
|--------------------|--|
| Hogs and goats. | SECTION 1. It shall be unlawful for hogs or goats to run at large in the Town of Knight's Landing, Yolo County. |
| Duty of Constables | SEC. 2. It shall be the duty of the Constables of Grafton Township, Yolo County, to take up all hogs and goats found running at large within the limits of the town site of the Town of Knight's Landing. |
| Notice of sale. | SEC. 3. The Constables shall proceed to sell all such animals taken up under the provisions of this Act, by giving at least five days public notice of such sale, by posting notices in three public places within the town site where such animals are so taken up, and all moneys arising from such sale shall, after the expenses of taking up, keeping, and selling are paid, be paid by the Constable to the owner or owners of the animal or animals, upon demand, if demanded within thirty days from the date of sale; otherwise it shall, at the expiration of the said thirty days, be paid into the County Treasury of Yolo County, and placed to the credit of Knight's Landing School District, and become a part of the Fund of said district. |
| Fines, how paid. | SEC. 4. Any Constable purposely refusing or neglecting to take up all hogs or goats running at large within the limits of the town site of Knight's Landing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars and not more than twenty-five dollars. |
| Neglect of duty. | SEC. 5. Nothing in this Act shall be construed to prevent persons from driving such animals through any of the public thoroughfares of said town. |
| | SEC. 6. This Act shall take effect and be in force from and after its passage. |

CHAPTER CCCXXVII.

An Act to pay the claim of James T. Boyd.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- SECTION 1. The sum of two hundred and fifty-one dollars and fifty cents is hereby appropriated out of any moneys in the

General Fund in the State Treasury not otherwise appropriated, to pay the claim of James T. Boyd for legal services rendered to the Commissioners of the Deaf, Dumb, and Blind Institute, which claim was filed in the office of the Board of Examiners on August eighth, eighteen hundred and seventy-one, under the provisions of "An Act to provide for the liquidation of all claims against the State not otherwise provided for by law," approved April first, eighteen hundred and seventy; and which claim was subsequently examined and adjusted, and recommended for payment by the Board, and reported to the Legislature for allowance, and an abstract of which claim was published in the official newspaper on November twenty-fourth, eighteen hundred and seventy-one.

Claim of
James T.
Boyd.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCXXVIII.

An Act for the relief of Morris Woolf.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized to issue a duplicate soldiers' bounty warrant, number six thousand eight hundred and fifty-eight, for the sum of forty (40) dollars, issued January twenty-fourth, eighteen hundred and sixty-five, in favor of Morris Woolf, in lieu of the original, which has been lost.

Relief of
Morris
Woolf.

SEC. 2. The State Treasurer is hereby authorized to pay the said warrant; *provided*, the said Morris Woolf shall file a bond, with two good and sufficient sureties, to be approved as to form and sufficiency by the Attorney General; that should the original warrant be produced the said sureties shall indemnify the State of California, through its State Treasurer, in the full amount of said warrant.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXXIX.

An Act authorizing the Board of Supervisors of Mariposa County to pay a certain claim.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors
to pay
claim of R.
B. Thomas. SECTION 1. The Board of Supervisors of the County of Mariposa are hereby empowered to pay R. B. Thomas, County Surveyor, the balance due him for services rendered in running the boundary line between the Counties of Fresno and Mariposa; *provided*, said claim shall not amount to more than one hundred dollars.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCXXX.

An Act in relation to the office of District Attorney in Santa Cruz County.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

District
Attorney. SECTION 1. In all cases where the District Attorney of Santa Cruz County secures a conviction of any person charged with felony or misdemeanor, and cannot obtain the fee allowed by law for such conviction from the person convicted, the said fee shall be a charge against the county, and shall be allowed and paid as other claims and charges against said county.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXXXI.

An Act concerning the salary of the District Attorney of Lake County.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The District Attorney of Lake County shall Salary. receive an annual salary of eight hundred dollars, to be paid at the same time and in the same manner as is now provided by law.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act, in so far as they do so conflict, are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCXXXII.

An Act to amend an Act entitled an Act to prevent the destruction of fish in the waters of Napa River and Sonoma Creek, approved January twenty-ninth, eighteen hundred and sixty-eight.

[Approved March 20, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. It shall not be lawful for any person to use nets, traps, weirs, poisons, or seines, of any description, for the purpose of catching fish in the waters of Napa River, Sonoma Creek, in Sonoma County, or the waters of any of the tributaries thereof; *provided*, that nothing in this Act shall be so construed as to prohibit the use of seines, nets, traps, or weirs, in the waters of Napa River below the mouth of Suscol Creek and within the boundaries of Napa County. Protection
of fish.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCXXXIII.

An Act for the encouragement of agriculture and other industries.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriations.

SECTION 1. There is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars for the State Agricultural Society, the sum of three thousand dollars for the Bay District Agricultural Society, and the sum of two thousand dollars for each of the following named societies, viz: the Los Angeles District Agricultural Association, the Santa Clara Valley Agricultural Society, the Sonoma and Marin District Agricultural Society, the San Joaquin Valley District Agricultural Society, the Northern District Agricultural, Horticultural, and Mechanical Society, the Upper Sacramento Agricultural Society, the Siskiyou County Agricultural Society, and the Bay District Horticultural Society, and the California Vine Growers and Wine and Brandy Manufacturers' Association, for each of the years eighteen hundred and seventy-two and eighteen hundred and seventy-three. Upon presentation of the requisition of the President and Secretary of either of the societies above named to the State Controller, the Controller shall draw his warrant on the Treasurer in favor of such society for the amount appropriated to such society, and the Treasurer shall pay the same. The money so drawn by each society shall be used for the purpose of paying premiums for the various agricultural, mineral, mechanical, and manufacturing products of this State, and for no other purpose.

Reports.

SEC. 2. The Directors of each of the above named societies, except the State Agricultural Society, shall each year report to the State Board of Agriculture the name and Post Office address of each of the officers of such society on or before the first day of May; and on or before the first day of December of each year they shall report to said Board of Agriculture the transactions of said society, including the list of articles exhibited and premiums awarded, the amount of receipts and expenditures of the year, and the objects for which the expenditures have been made, the new industries inaugurated and new products produced, and any and all other facts showing the development of the resources of the district embraced in such society which they may deem worthy of such report.

Report of State Board of Agriculture.

SEC. 3. The State Board of Agriculture shall report annually, on or before the fifteenth day of January, to the Governor of the State, the full transactions of the State Society, including the facts and statistics collected and information gained on the subjects for which it exists; also including the reports from each of the above named societies, or so much thereof as said Board may deem of value for publication.

SEC. 4. The Governor shall cause five thousand volumes of said report of the State Board of Agriculture to be printed each

year, at the expense of the State, and paid for as other public printing, and delivered to the State Agricultural Society for general distribution. Printing of reports.

SEC. 5. All laws or parts of laws conflicting with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force after its passage.

CHAPTER CCCXXXIV.

An Act supplemental to an Act entitled an Act concerning corporations, passed twenty-second April, one thousand eight hundred and fifty.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. On petition of the majority of the shareholders of any corporation formed for the purpose of mining to the County Judge of the county where said corporation has its principal place of business, verified by the signers, to the effect that they are severally the holders on the books of the company of the number of shares set opposite their signatures to the foregoing petition, the County Judge shall issue his notice to the shareholders of said company that a meeting of the shareholders will be held, stating the time, not less than five nor more than ten days after the first publication of such notice, and the place of meeting within said county, and the object to be to take into consideration the removal of officers of said company; which notice, signed by the said County Judge, shall be published daily in one or more daily newspapers published in said county for at least five days before the time for the meeting. Petition of shareholders.

SEC. 2. At the time and place appointed by said notice those claiming to be shareholders who shall assemble shall proceed to organize by the appointment of a Chairman and Secretary, and thereupon those claiming to be shareholders shall present proof thereof, and only those showing a right to vote shall take part in the further proceedings. If it appears that at the time appointed, or within one hour thereafter, shareholders of less than one half the shares are present, no further proceedings shall be had, but the meeting shall be *ipso facto* dissolved; provided, however, that by a vote of the holders of two thirds of the capital stock of the corporations aforesaid, the Board of Trustees may be required to furnish to the meeting a written detailed statement and account of the affairs, business, and property of the corporation; but if the holders of more than two thirds of the shares are present they shall proceed to vote, the Secretary calling the roll and the members voting yea or no, as the case may be. The Secretary shall enter the same upon his list, and when he has added up the list and stated the Organizing. Meeting. Calling roll

Declaring result. result, he shall sign the same and hand it to the Chairman, who shall also sign the same and declare the result.

Vacancies. SEC. 3. If the result of the vote is that the holders of a majority of all the shares of the company are in favor of the removal of one or more of the officers of the company, the meeting shall then proceed to ballot for officers to supply the vacancies thus created. Tellers shall be appointed by the Chairman, who shall collect the ballots and deliver them to the Secretary, who shall count the same in open session, and having stated the result of the count in writing, shall sign the same and hand it to the Chairman, who shall announce the result to the meeting.

Certificate of election. SEC. 4. A report of the proceedings of the meeting shall be made in writing, signed by the Chairman and Secretary and verified by them, and delivered to the County Judge, who shall thereupon issue to each person chosen a certificate of his election, and shall also issue an order requiring that all books, papers, and all property and effects be immediately delivered to the officers elect, and the petition and report, indorsed with the date and fact of the issuance of such certificate and order, shall be delivered to the County Clerk to be by him filed in his office, and thereafter the persons thus elected officers shall be the duly elected officers and hold office until the next regular annual meeting, unless removed under the provisions hereof.

Filing of certificate.

Fees of County Clerk.

SEC. 5. For all services in these proceedings the County Clerk shall receive ten dollars on the issuance of the notice and ten dollars on the issuance of the certificates.

SEC. 6. All Acts or parts of Acts conflicting with this Act are hereby repealed.

SEC. 7. This Act shall take effect immediately.

CHAPTER CCCXXXV.

An Act to repeal an Act entitled "An Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties," approved April fourth, eighteen hundred and seventy, and an Act entitled "An Act supplemental to an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties," approved April fourth, eighteen hundred and seventy, approved April fourth, eighteen hundred and seventy, except as to certain counties therein named.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled "An Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties,"

approved April fourth, eighteen hundred and seventy, and an Act entitled "An Act supplemental to an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties," approved April fourth, eighteen hundred and seventy, approved April fourth, eighteen hundred and seventy, are hereby repealed, except as to the Counties of San Francisco, Santa Cruz, San Diego, Santa Barbara, San Luis Obispo, San Bernardino, Marin, and Los Angeles, in all of which said Act shall remain in full force and effect, anything in this Act to the contrary notwithstanding; *provided*, that the question of granting aid to railroads under the Acts mentioned in this section shall be submitted to the qualified electors of each county at a general election, and all laws governing the election of officers at such general election shall be applicable thereto.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCXXXVI.

An Act relating to Swamp Land District Number Seventy-one, in Sacramento County.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the lands embraced in Swamp Land District Number Seventy-one, in Sacramento County, have been reclaimed, provided there be no outstanding indebtedness in said District, the Board of Supervisors of the county shall, upon the application of the Trustees, appoint three Commissioners, who shall proceed to examine the work done and the lands embraced in the district; and if they shall find the lands have been successfully reclaimed, they shall return and file with the County Recorder a sworn statement to that effect, which statement shall be by him recorded, and a certified copy thereof forwarded to the Register of the State Land Office. The Register shall thereupon credit each purchaser in the district so reclaimed with payment in full for said lands, and the said purchasers shall be entitled to a patent therefor, and the said Register shall forward to the Treasurer of the county in which the district is situated a statement showing the amount of money paid into the Treasury by each purchaser of land in said district prior to the formation of the district, or by the parties purchasing after the formation of the district, and the said Register shall deduct therefrom the proper proportion of the amount drawn from the Swamp Land, State, or County General Fund, and the amount to be credited to the purchasers and paid over to the Trustees as hereinbefore provided, and shall order the balance paid over to said purchasers; and the said statement of

Reclamation
constitutes
full
payment,
and patents
shall issue.

Register's
statement.

the Register, signed by each purchaser, shall be the voucher for the County Treasurer.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCXXXVII.

An Act to amend an Act entitled "An Act to incorporate the Town of Wilmington, in the County of Los Angeles, in the State of California," approved February twentieth, eighteen hundred and seventy-two.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Corporate powers.

SECTION 1. Section two of said Act is amended by adding thereto the following words: "The corporate powers of said town shall be vested in said Board of Trustees."

SEC. 2. Section eight of said Act is amended so as to read as follows:

Powers of Trustees.

Section 8. The Board of Trustees shall have power to make by-laws and ordinances for the government and regulation of said town and its officers not repugnant to the Constitution and laws of this State; to construct and maintain aqueducts, pumps, reservoirs, ditches, and other works necessary or proper for the supply of said town with water for irrigating and domestic purposes, or either; to acquire and hold such real estate and rights in realty as may be necessary for such waterworks, whether within or without the limits of said town. For the purpose of defraying the cost of the construction of such waterworks, the Board of Trustees are hereby authorized to issue bonds, not to exceed in the aggregate thirty thousand dollars, for the payment of which the faith and credit of said town shall be pledged. Such bonds shall be of the denominations of fifty

Bonds.

Denomination.

dollars, one hundred dollars, two hundred and fifty dollars, and five hundred dollars; *provided*, that said Board, in its discretion, may dispense with one or more of such denominations; shall be payable in gold coin of the United States on the second day of the twentieth January after their issuance, at the office of the Treasurer of said town, but redeemable, at the option of said Board, at any time after ten years from their issuance, and shall bear interest, payable in like coin, at the rate of ten per cent per annum. The actual date of its issue shall be placed on each bond. They shall be signed by the President and Clerk, and countersigned by the Treasurer, with the corporate seal of the town affixed or impressed; and separate lists thereof shall be kept by said Clerk and Treasurer, showing number, amount, and when and to whom issued. They shall have coupons

Coupons.

attached in such manner as to be removable without mutilation, and which shall be signed by the Treasurer—the first for the interest to accrue on its bond from the date of its issuance

to the second day of the next succeeding January, and the others for one year's interest each thereafter. Said bonds shall not be issued by said Trustees, whether in way of sale, in payment of contracts, material, labor, etc., or otherwise, at a price or rate less than par; *provided* always, and the powers hereby conferred for the construction of said waterworks and the issuance of said bonds are on the express condition that such construction shall be actually and in good faith commenced within two years from the date of the passage of this Act, and in default thereof such powers shall cease. For the purpose of paying such bonds and the interest on the same, the Board of Trustees is hereby authorized to levy from year to year, at the time of the levy of the general town tax and in addition thereto, and to be governed by the same laws as to its collection, a special tax, which, for the first ten years after the issue of such bonds commences, shall be in an amount sufficient to cover the estimated interest falling due on the next following January, and thereafter until the full extinguishment of said bonds in an amount sufficient to cover the next January's interest, with three thousand dollars additional; and the moneys collected on such special tax shall be used for no other purpose than for the payment of said bonds and their interest, until they are extinguished. The Board of Trustees may provide by ordinance for the imposition and collection of water rates on water distributed from such works, and the receipts over and above the expense of collection and of running, improving, extending, and repairing such works shall be added to the moneys derived from said special taxes, and used only in payment and redemption of the principal of said bonds. Whenever the amount of money in the Treasury applicable to the payment of the principal of such bonds shall equal or exceed one thousand dollars, it shall be the duty of the Board to cause the Treasurer to advertise for proposals for the redemption of bonds, in some newspaper published in Los Angeles County, at least once a week for three weeks, and on receipt of such proposals, at a time to be specified in such notice, to take up and redeem bonds at the lowest rates offered, so far as the available funds permit; *provided*, that no bids at a rate above par shall be entertained; *provided* further, that should the reduction in the amount of outstanding bonds by redemption admit, or should the aggregate issue not reach the prescribed maximum of thirty thousand dollars, the Board of Trustees may, in their discretion, reduce the amount of three thousand dollars above required to be levied for a Sinking Fund, but not so as to leave outstanding more than one tenth of the aggregate issue for each year intervening between the year of such levy and the time of final payment.

Tax to be
levied.

Redemp-
tion.

Sec. 3. Section sixteen of said Act is amended so as to read as follows:

Section 16. The Board of Trustees and said town, and every officer thereof, are hereby prohibited from incurring or creating any indebtedness and from authorizing or issuing any bond, scrip, warrant, or other evidence of debt on behalf of said town, except as provided in section eight, unless there be at the time sufficient funds in the Treasury available for the payment thereof over and above all prior indebtedness and liability, and

Indebted-
ness.

any such unlawfully created indebtedness and unlawfully authorized or issued bond, scrip, warrant, and other evidence of debt are hereby declared null and void as against said town, and the payment thereof by the Treasurer is hereby prohibited. Any indebtedness contracted, and any bond or other evidence of debt prohibited as above shall be deemed and held the personal debt of the officer or officers incurring, authorizing, or issuing the same, and any moneys paid out by the Treasurer in violation of the provisions of this section shall be recoverable from him by said town.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCXXXVIII.

An Act concerning the office of Secretary of the Fire Department of the City of Sacramento.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Additional
compensation.

SECTION 1. In addition to the compensation now allowed by law to the Secretary of the Fire Department of the City of Sacramento, said Secretary shall receive the sum of thirty-five dollars, gold coin, per month, payable out of the Charitable Fund of the Fire Department of said City of Sacramento.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXXXIX.

An Act to provide for the location, construction, and maintenance of public roads in the County of Nevada.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public
highways.

SECTION 1. All roads in the County of Nevada which have been located as public highways by order of the Board of Supervisors or Township Trustees, and all roads in public use which have been recorded in county or township records as public highways, or which may be recorded by authority of the Board of Supervisors as hereinafter provided, are hereby declared public highways; and all roads in the County of Nevada now in public use which do not come within [the] provisions of this

Act are hereby declared vacated; *provided*, that no toll road shall be established on any road vacated by virtue of the foregoing provisions of this section upon which there shall have been expended any money or labor belonging to the Road Fund or tax of said county, unless with the full knowledge and consent of the Board of Supervisors of said county.

SEC. 2. The Supervisors of Nevada County shall be *ex officio* Road Commissioner in the several districts in which they are elected, whose duty it shall be to take general charge and supervision of all roads in said district. Each Commissioner shall, before entering upon the discharge of his duties, file with the County Clerk a bond, in a sum not less than one thousand dollars, with two sureties, which bond shall be approved by the County Judge, and made payable to the people of the State of California.

Supervisors
ex officio
Road Com-
missioners.

SEC. 3. Each Commissioner in his district, in October, eighteen hundred and seventy-three, and every two years thereafter, shall lay off and divide the public roads by sections, which he shall number in a book to be called a Road Book. He shall distinctly specify therein what he shall deem necessary for the improvement and keeping in good repair the said public roads and highways; and when the Commissioner shall have so laid off the roads as aforesaid, he shall submit his report to the Board of Supervisors on the first day of their regular meeting in November, a majority of whom shall have power to modify or amend, and who shall give their written assent to the report so amended or modified, which shall be the warrant of the Road Commissioner and his guide in the performance of his duties. And the Road Commissioner shall within five days thereafter give public notice for at least one week in one of the daily papers of the county published at the county seat, designating the time and place for the inhabitants of the county to meet in their respective townships at the principal town in the township designated by the Commissioner in the public notice aforesaid, at which time and place it shall be the duty of said Commissioner to attend and sell out at public sale for the term of two years each section or subdivision of said public road lying within said township to the lowest bidder, but the Commissioner shall have power to refuse such bid if he shall deem the same too high; and if any section shall remain unsold on account of no bid having been made for the same, it shall be lawful for the said Commissioner thereafter to let out such section or sections at private contract; *provided*, that the said Commissioner shall not be directly or indirectly interested in taking or keeping in repair any section or sections so let out as aforesaid; and *provided* also, that not more than the yearly proportion of such purchase or contract shall be paid in any one year; and be it further *provided*, that no Commissioner shall sell by public or private contract any section or sections of the public highways for a longer term than two years.

Road Book.

Report.

Notice.

Contract.

SEC. 4. The Road Commissioner shall in all cases exact a bond from the purchaser or contractor of any section or sections of the public roads in such sum as shall amount to twice

Bond. the sum named in the contract, with two sureties, made payable to the people of the State of California, to be approved by the Board of Supervisors, conditioned upon the faithful performance of the contract according to the specifications, which shall be filed with the Clerk of the Board of Supervisors, who shall be furnished with and keep on file all agreements or contracts of any and all contractors or purchasers, and who shall furnish such contractor or purchaser a duplicate copy of his agreement, with specifications contained in the contract.

Observance of contract. SEC. 5. It shall be the duty of the contractors or purchasers as aforesaid to keep their respective sections in good and substantial repair during the said term of the contract; and should any person or persons neglect or refuse to make the improvements or to keep in good repair the section or sections so purchased or contracted for, upon complaint being made to the Commissioner, it shall be the duty of said Commissioner to examine the section or sections so complained of forthwith; and if he shall deem the complaint well founded, to give notice to the party or parties complained of to make the improvements and put his or their section or sections of road in good repair according to the terms of the contract within ten days thereafter; and if he or they shall refuse or neglect to comply with the said notice until the expiration of the ten days, it shall be the duty of the Commissioner to have the said section or sections improved or repaired according to the terms specified in the contract, and he shall report the cost of such improvement to the Board of Supervisors at their first regular meeting thereafter, who shall draw their warrant for the amount so expended, payable out of the Road Fund, and such sum shall be deducted from whatever amount may be due said contractor on said contract; and if the amount due said contractor should not be sufficient, the deficiency may be recovered by the Board of Supervisors from such person or persons so neglecting or refusing, from their sureties, as other debts of equal amount are now recoverable by law, with costs of suit.

Laying out new roads. SEC. 6. It shall be the duty of the Commissioner, if he shall think a new road is necessary, or the alteration or vacating of an existing one shall be for the public interest, upon the petition of twelve or more persons, resident taxpayers of the county or township in which such new road is intended to be located, or the alteration or vacation of an existing one shall be contemplated, praying for a public road to be laid out, or changed, altered, or vacated, within the township or county, or a petition signed by one or more persons praying for a private road or lane to be laid out from the farm or dwelling of any person to the public road, to proceed to view, survey, and lay out the proposed new road or make the necessary change in the old one, marking either on the ground or noting on the maps or draft; and if it passes through private lands, through whose land it passes. He shall in no case locate any public road above a grade of eighteen inches to the sixteen and one half feet linear measurement. And it shall be the duty of the Commissioner to procure releases in writing of the owners of said land through which the said new road may pass of all damages that may arise to them in opening the same; and if he shall fail to

Grade.

procure releases, he shall appoint three Viewers (the County Viewers. Surveyor to act as one), who shall view out and locate said road and appraise all legitimate damages arising from such location or change; and upon the return of the certificate of the Viewers, together with the location, if satisfied with the same, he shall submit the claims for damages, if there be any, by persons through whose lands the road may pass, to the Board of Report. Supervisors for their approval; and if they shall approve the same, the Road Commissioner shall immediately declare the same a public highway, and he shall divide said road into sections, and record the same in his Road Book, and shall have the same sold, contracted, or made, as provided for in section three of this Act. And in case of vacation of a road or part of a road, it shall be the duty of the Viewers appointed and acting as hereinbefore provided, to view, survey, and report to the Commissioners, who, if favorable to the same and if confirmed by the Board of Supervisors, shall declare such road vacated, and it shall cease to become a part of the public highway; and all contracts to repair said road or part of road so vacated shall be annulled by the Road Commissioner, who shall proceed to settle with the purchaser or contractor of said road.

SEC. 7. The Viewers or Commissioner performing service under the provisions of this Act shall receive for their services four dollars per day for each and every day actually employed, and fifteen cents per mile necessarily traveled in going to and returning from where the contemplated road is situated, and shall be paid from the County Road Fund; *provided*, that all damages and expenses accruing from the location of any private road or lane shall be paid by the party or parties petitioning for said road or lane; and the Road Commissioner may, before acting upon any petition for such private road or lane, require such a bond from the party or parties so petitioning as shall in his judgment seem proper, to be held as security for all damages or expenses accruing from the location of said road, liabilities upon said bonds to be collected as is provided by law in similar cases. Compensation. Damages.

SEC. 8. It shall be the duty of the Commissioner to inspect the roads once in every three months; and if he shall deem the work done sufficient and according to the contract, he shall then, if required by the contractor or contractors, certify the fact to the Board of Supervisors, together with the amount due for said work; and if the Board of Supervisors be satisfied that the terms of the contract be fully complied with, the demand shall be audited and a warrant drawn upon the Road Fund in favor of said contractor, to be paid in the manner prescribed by law for the payment of other demands against the county; *provided*, that should the contractor or contractors be dissatisfied with the decision of the Commissioner, it shall be lawful for the contractor or contractors to make application to a Justice of the Peace in said or adjoining township, who shall appoint, together with the parties, three persons competent and disinterested, not citizens of the township in which said road is located, whose duty it shall be to make inspection of said work and report to the said Justice whether the same has been so Duty of Commissioner.

performed according to contract or otherwise, whose decision shall be final and conclusive.

Commissioner to report on condition of toll bridges and toll roads.

SEC. 9. The Road Commissioner shall have power and it shall be his duty to embrace in his quarterly report hereinafter provided a statement of the condition of all toll bridges and toll roads in the county, and also all repairs necessary to be done upon said toll roads to put them in good passable condition; and when any toll bridge or toll road shall be reported to be in an unsafe condition or out of repair, to immediately notify in writing the agent, owner, or superintendent in charge of such road of the work necessary to be done to render such road or bridge safe or to put said road in good passable condition. In case of the neglect or refusal of the owners to comply with such notice for a period of ten days, the right to collect tolls upon said road shall be forfeited, and the Road Commissioner shall give public notice to that effect. After such notice, any agent or employé of said road, or any other person, who shall demand, ask, or receive tolls upon such roads shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars, or by imprisonment in the County Jail not exceeding ten days; *provided*, that upon receiving notice road owners may, within five days thereafter, appeal to the Board of Supervisors; and in case of such appeal, the Board shall meet on the tenth day and determine from the evidence brought before them whether such right to collect toll shall be forfeited or not.

Appeal.

Exemption from sale.

SEC. 10. Any bridge or any section of the public highway, the cost of the building or repairing of which shall exceed the sum of three hundred dollars, shall be exempt from sale provided under the preceding sections of this Act; *provided*, the keeping in repair of said bridge may be included in any contract or purchase of any public road adjacent. All contracts for the construction or repairing of any bridge involving an expenditure exceeding the sum of three hundred dollars shall be let by the Board of Supervisors to the lowest responsible bidder, notice of such letting to be advertised in a newspaper published in the county at least two weeks prior to the letting, asking for sealed proposals.

Contracts.

Custodian of books, etc.

SEC. 11. The Road Commissioner of each district shall be the custodian of all books, papers, and other property belonging to his district, and at the end of his term shall turn them over to his successor in office; *provided*, that all maps, reports, and surveys that may be made or are required by law to be made shall be filed with and safely kept by the County Clerk.

To keep correct accounts.

SEC. 12. The Road Commissioner shall keep a correct account of all sums due or claimed to be due to any and all contractors or purchasers of sections of the public roads in his district, and of all certificates issued by him in favor of contractors, and also the number of days service and of the number of miles traveled in the performance of his duty, and of all sums expended by him in the improvement and repairs of any public road or roads sectionized and sold when the contractor or contractors have neglected or refused to perform his or their contract; and he shall report, under oath, the same, together with all transactions had incumbent on the office, in a quarterly

report to the Board of Supervisors. Upon receiving and ap-
 proving the quarterly report, which must be filed within three
 days after the first day of each regular term, the Board of
 Supervisors shall allow five dollars per day for each day neces-
 sarily occupied by the Commissioner of each district in the
 performance of his duty, and ten cents per mile for each mile
 necessarily traveled in the performance of said duty; *provided*,
 that no allowance shall be made to any Road Commissioner for
 more than three hundred dollars in any one year, per diem and
 mileage inclusive. The mileage herein provided shall be com-
 puted from the residence of the Road Commissioner; *provided*,
 that no mileage shall be allowed as Road Commissioner when
 mileage is drawn as a Supervisor.

Quarterly
 report,
 when to
 be filed.

Allowance.

SEC. 13. At the general election held in eighteen hundred
 and seventy-three, and every biennial election held thereafter,
 the Constable in each township receiving the highest number
 of votes for the office of Constable shall be ex officio Road Tax
 Collector in said township; and in the event of a tie vote for
 Constable, the Board of Supervisors shall appoint one of such
 Constables, who shall be Collector. It shall be the duty of the
 Board of Supervisors to notify such Constable of his election
 or appointment as Road Tax Collector, who shall, within thirty
 days thereafter, file with the Clerk of the Board of Supervisors
 a bond, with two sureties, in such sum as the Board may deter-
 mine, to be approved by them, conditioned for the faithful
 discharge of his duties, which bond shall be made payable to the
 people of the State of California.

Election of
 Road Tax
 Collector.

Bond.

SEC. 14. Every male resident of Nevada County over twenty-
 one and under fifty years of age shall be required to pay to the
 Collector or his deputy the sum of three dollars in gold [or]
 silver coin of the United States as a County Road Tax for the
 year in which said road tax shall be demanded, and shall be
 entitled to and it is hereby made his duty to demand from the
 Collector a printed road tax receipt, signed by the Auditor and
 countersigned by the said Collector, in return for and showing
 the amount so paid to such Collector; and any person when so
 applied to neglecting or refusing to pay such road tax shall be
 considered as a delinquent and shall be proceeded against as
 such, and the Collector shall proceed to collect of him the sum
 of three dollars in gold or silver coin of the United States, in
 the manner and form as provided in section fifteen of this Act;
provided, that any person who may elect to work three days
 upon the public roads under the direction of the Road Commis-
 sioner shall be entitled to a road tax receipt. The Tax Col-
 lector shall furnish the contractors with a list of persons in his
 district so choosing to work, and shall notify such persons to
 appear and work upon the public roads at such a time and place
 as the contractor may direct, and if the contractor cannot
 employ such persons, they shall be allowed to work upon any
 road which the Road Commissioner of the district shall direct;
 and upon such person performing three days labor to the satis-
 faction of the contractor he shall give to such person an order
 on the Collector, who shall thereupon issue a tax receipt, and at
 each regular meeting of the Board of Supervisors shall report
 the number of receipts issued on the order of the contractor,

Tax
 Collector to
 furnish list.

and the Board of Supervisors shall charge the amount of such receipts to the contractors, and the Collector shall be entitled to the same fee as for collecting other road taxes, payable out of the Road Fund; *provided*, no contractor shall be required to receive more than twenty-five per cent of the amount of his contract in labor.

Delinquent SEC. 15. Moneys, credits, and effects of the delinquent may be attached in the hands of third parties by the Collector by delivering to the party having such credits, moneys, or effects of the delinquent a written order of garnishment requiring said party to pay to the Collector the sum of money due by delinquent; and if the person thus served with notice shall pay the amount demanded the Collector shall deliver to him a road tax receipt therefor made to the name of the delinquent, to which shall be appended a receipt written by and over the signature of the Collector for the costs and charges allowed said Collector, to wit: three dollars, and the receipt thus delivered shall be a legal offset to any claim existing against the party garnished in favor of the delinquent to the amount specified in the receipt aforesaid. If the person on whom the garnishment is served should neglect or refuse to pay to the Collector the sum demanded of him within five days after receiving such notice, the Collector shall apply to a Justice of the Peace, of his township for an order requiring said person so served as aforesaid to be and appear before him forthwith on a certain day named in said order to answer, under oath, concerning any moneys, credits, or effects in his hands belonging to the delinquent; and if it shall appear by the answer of the party to the satisfaction of the Justice that he has moneys, credits, or effects in his hands belonging to the delinquent, the Justice shall enter in his docket a judgment against the party thus examined for the sum of six dollars and costs, three dollars of which shall be paid to the Collector as the road tax of the delinquent taxpayer, and three dollars to the Collector for his services. Upon receiving the sum of six dollars the Collector shall execute a road tax receipt made to the name of the delinquent taxpayer for the sum of three dollars, signed by the Auditor and countersigned by himself, and to which shall be appended a receipt for the remainder, signed by himself. The judgment rendered against the person served with garnishment shall be collected in the same manner as other judgments in Justices' Courts, and shall be a legal offset against the delinquent in favor of the judgment debtor. The provisions of this section shall also apply to all who elect to labor on the roads but who neglect or refuse to appear at the time and place required.

**Blank
road tax
receipts.**

SEC. 16. The Clerk of the Board of Supervisors shall cause proper blank road tax receipts to be printed in book form with marginal notes and figures, which shall in proper form declare that the amount of three dollars in gold and silver coin of the United States has been received from the person (writing his name) to whom the receipt is given. Said receipts before being issued shall be signed by the Auditor of the county in writing, and upon delivery to the taxpayer shall be signed by the Collector. Said road tax receipts shall be of a uniform appearance, but the style thereof shall be changed annually. No other re-

ceipts shall be used by the Collector in the collection of said road tax, and the said receipts only in the manner described.

SEC. 17. The Auditor shall issue to the Collector annually, Auditor. upon his entering upon the discharge of his duties, as many road tax receipts as he may require signed, taking his receipt for the same; and the road tax receipts so delivered shall be accounted as so much cash paid him at three dollars each. The Collector shall settle with the Auditor at such times as are now provided by law for the settlement of poll tax receipts; and all road tax receipts returned by him to the Auditor shall be deducted from the amount issued to the Collector as aforesaid, and all moneys collected by the Collector for road tax shall be paid by him monthly into the County Treasury for the benefit of the County Road Fund, less ten per cent, which he shall be allowed for the collection of said taxes, and he shall take a receipt therefor from the County Treasurer, which he shall present to the County Auditor in his settlement with said Auditor, who shall credit the Collector with the sums of moneys so paid into the County Treasury, also making allowance for the fees to which he is entitled by law; and the Collector shall be liable on his official bond if he or his deputies shall fail to collect said road tax from each and every person liable to pay said tax when such tax may and can be collected in the manner hereinbefore provided, for the full amount of said tax and costs of suit, and may be proceeded against in the manner and form now provided for by the Act for the collection of moneys due the county by the delinquency of the Collector.

SEC. 18. The Board of Supervisors shall cause a survey to Survey. be made of all roads in the County of Nevada which have been declared public highways, and which have not heretofore been surveyed, and such roads as have been surveyed when the field notes of such surveys have been lost, with such alterations from previous surveys, shortening the distance and lessening the grade of said roads, as the Road Commissioner may advise; and they shall, in case the Supervisors deem it necessary, cause a map to be constructed, on which the surveys of all public roads in the county shall be portrayed; and they shall cause the field notes of such surveys to be compiled and published in pamphlet form. They may order a sufficient number of maps Maps. to be constructed and field notes to be printed for the use of the county, and such map and field notes shall be free to inspection at all reasonable hours, upon request, to any inhabitants of the county. When any public roads shall connect with a toll road in a line and direction parallel with the same, the County Surveyor, in connection with the owner or agent of said toll road, shall establish the point at which such roads connect at each end of such toll road, and he shall plainly define and mark the boundaries of the same, and transcribe the same in his field notes.

SEC. 19. All contracts let or sold to any and all contractors Contracts. or purchasers, for the payment of which orders may be drawn upon the Road Fund of the county by the Board of Supervisors, shall be let or sold on what have been declared public highways by said Board. The Road Commissioner, or any contractor for the building or improvement of public roads, shall have power

Damages.

to make use of any gravel, dirt, timber, and rock, for improving the roads necessary, from any adjacent unimproved lands; and the Board of Supervisors may allow such damages, if any there be, to the owners or claimants of such lands, as they may deem just; *provided*, that the said Board of Supervisors shall be liable, jointly and severally, to pay damages to the county at the suit of any citizen, if it shall be made to appear that they have allowed extraordinary damages to such property owners.

Obstruction.

SEC. 20. If any person shall willfully obstruct any public highway or any street or lane by felling any tree across the same, or by placing any other obstruction therein, or by excavating or digging therein, or shall destroy any ford or crossing of any creek, gulch, river, or stream of any character by digging away the banks, or by damming, deepening, or widening the same, or by filling up or in any manner injuring or destroying any gutter, sewer, or culvert constructed for the purpose of carrying away water from any road, he or they shall be liable to prosecution before a Justice of the Peace of the township in which the offense has been committed, upon complaint of the Road Commissioner, contractor, or any citizen of the township, and upon conviction shall pay a fine of not less than ten nor more than fifty dollars; *provided*, that if any person or persons shall wish to dig or construct any ditch crossing the public highway, street, or lane for the purpose of conveying water for mining, mechanical, agricultural, or other necessary or useful purposes, they shall be permitted to dig or construct such ditch; in which case the owner or owners of such ditch shall construct or cause to be constructed and kept in good repair, at their own expense, good and substantial bridges or crossings over such ditch. If the owner or owners of any such ditch or ditches shall fail or neglect to construct such bridges or crossings and keep in repair, he or they shall be liable to prosecution and fine as hereinbefore provided in this section.

Willful injury.

SEC. 21. If any person shall willfully destroy or injure any bridge, plank road, or causeway, or remove or cause to be removed any of the plank or timber thereof, or cut down or injure any tree planted or growing as a shade tree in any highway, street, or lane, or damage such highway, street, or lane by digging in it, he shall be liable to be prosecuted before a Justice of the Peace of the township in which such road, street, or lane is situated, by the Road Commissioner, contractor, or any citizen of the township, and on conviction shall be fined in any sum not less than ten nor more than fifty dollars.

Fines.

SEC. 22. All fines collected under the provisions of this Act shall be paid into the County Treasury for the benefit of the County Road Fund of Nevada County.

Property tax.

SEC. 23. The Board of Supervisors shall have power to levy a property tax, which shall not exceed twenty-five cents on each one hundred dollars of real and personal property in the county, for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are levied and collected; and the property tax thus levied and collected shall be paid into the County Treasury for the benefit of the public roads of the county, and shall become a part of the County

Road Fund, which may be expended by the Board of Supervisors in the manner prescribed by this Act.

SEC. 24. All moneys disbursed by the County Treasurer from the County Road Fund shall be paid out on orders drawn by the Board of Supervisors sitting as an auditing Board, in the manner now provided by law. Auditing Board.

SEC. 25. All maps and field notes made and compiled under the provisions of this Act shall be deemed and considered public records, and the originals and certified copies thereof shall be prima facie evidence of the contents and correctness thereof in all the Courts of this State. Public records.

SEC. 26. The Road Commissioners shall be and they are hereby authorized, entitled, and privileged to pass over all toll roads, turnpike roads, ferries, and bridges within their several districts, with animal and vehicle, free of toll, at all times when in the performance of their official duties. Commissioners, free of toll.

SEC. 27. The Road Commissioner elected prior to the passage of this Act shall perform the duties required by this Act for the term for which he was elected, and shall receive a per diem of six dollars per day for each day of service actually and necessarily performed, and for every mile necessarily traveled from the county seat in the inspection of any and all public roads as provided by this Act, ten cents per mile. Road Commissioner. Compensation.

SEC. 28. The County Assessor of Nevada County, elected prior to the passage of this Act, shall be Road Tax Collector for the term for which he was elected Assessor, with power to appoint deputies, and shall be entitled to receive ten per cent upon all sums collected as provided in section seventeen of this Act. County Assessor.

SEC. 29. An Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March thirtieth, eighteen hundred and sixty-eight, and all other Acts, so far as they may relate to the County of Nevada or any city and town thereof, in conflict with the provisions of this Act, are hereby repealed; *provided*, nothing in this Act shall be so construed as to impair or affect any contract made, sold, or let prior to the passage of this Act. Repealing.

SEC. 30. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXL.

An Act to incorporate the Town of San Leandro.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

CORPORATE NAME.

Corporate
name.

SECTION 1. The people residing within the boundaries of that tract of land in Eden Township, in Alameda County, described in section two of this Act, are hereby constituted a body politic and corporate, by the name of the "Town of San Leandro," and by that name shall have perpetual succession, may sue and be sued in all Courts and in all actions whatsoever; and shall have and use a common seal, and alter the same at pleasure; and may purchase, receive, hold, and enjoy real and personal property, and sell and dispose of the same for the common benefit, subject to the provisions and limitations of this Act, and in no other way whatsoever.

BOUNDARIES.

Boundaries

SEC. 2. Commencing on the southerly bank of the San Leandro Creek, where the easterly line of lands of Michael Donovan intersects the same; thence southerly along the said line to the center of the county road leading to Halverson Landing; thence south twenty-eight degrees east across lands of William Abel to the lands of John B. Ward and his children; thence northeasterly and southeasterly following the boundary lines of said Ward's lands to the eastern corner thereof; thence southeasterly along the dividing line between the lands of Patrick Murnane and Maria Dolores Cushing to the southerly corner of said Murnane's land; thence northeasterly along the line of the said Cushing tract to the westerly line of the Watkins street county road; thence along said line of said road to where the dividing line projected between the lands of James Durnan and Silas McClure intersects the same; thence following the dividing line between said McClure and Durnan and between said McClure and R. A. McGraw's lands projected to the southwest-erly line of lands of John Carroll; thence following said line projected to the southeasterly line of what is known as Maud Avenue; thence following the southeasterly line of Maud Avenue to the northeasterly line of Santa Clara street; thence along said line to the southeasterly line of Juana Avenue; thence along said line of Juana Avenue to Grand Avenue; thence following Grand Avenue to Ward or Estudillo Avenue; thence at right angles to said last named avenue to the southerly bank of the San Leandro Creek; thence following down said bank of said creek to the place of beginning.

OFFICERS AND ELECTIONS.

SEC. 3. The government of said town shall be vested in a Officers.
Board of Trustees, to consist of five members, an Assessor,
Clerk, Marshal, Treasurer, and Justice of the Peace.

SEC. 4. All elections held under any of the provisions of this Elections.
Act shall be in accordance with the general election laws of
the State, and the course of procedure shall be as follows: An
election shall be held on the sixth day of May, eighteen hun-
dred and seventy-two, and a suitable person, qualified as an
elector of said town, shall be appointed by the County Judge of
the county immediately after the passage and approval of this
Act, to act as Clerk of the Board of Registration, who shall
forthwith proceed to enroll all legally qualified voters of said
town in the manner prescribed by the Registry Law of the State,
and upon the day of said election no person shall be permitted
to vote whose name does not appear upon the poll list prepared
as aforesaid. Upon the day of said election the qualified voters
present shall choose two suitable persons to act as Judges of
said election, in connection with the Clerk appointed as afore-
said. All subsequent elections shall be held under the provisions
of the general Registry Act, and the Town Clerk shall act as
Clerk of the Board of Registration, in connection with two
members of the Board of Trustees, appointed by the Chairman
of said Board for that purpose.

ELECTION OF OFFICERS.

SEC. 5. Said Trustees, Assessor, Clerk, Marshal, Treasurer, Election of
and Justice of the Peace shall be elected by the qualified elec- officers.
tors of said town on the first Monday of May of each year, and
shall enter upon their duties upon the first succeeding Monday
thereafter, and they shall hold their offices for one year and
until their successors are elected and qualified.

MEETINGS OF TRUSTEES.

SEC. 6. The Board of Trustees shall assemble within ten Meetings of
days after receiving notice of their election and choose a Presi- Trustees.
dent from their number; and when deemed necessary by the
Board of Trustees, they may appoint a Town Attorney, who
shall hold his office during the pleasure of said Board. They
shall by ordinance fix the time and place of holding their stated
meetings, and may be convened by the President at any time by
a written notice delivered to each member; and all meetings of
the Board shall be held within the corporate limits of said town
and shall be public.

SEC. 7. At the meetings of the Board a majority of the Trus-
tees shall constitute a quorum to do business. A smaller num-
ber may adjourn from day to day, and may compel the attend-
ance of absent members, in such manner and under such penal-
ties as the Board previously by ordinance may have prescribed.

DUTIES AND POWERS OF THE BOARD OF TRUSTEES.

Duties and
powers of
Trustees.

SEC. 8. The Board of Trustees shall judge of the qualifications and of the election and returns of their own members, and determine contested elections of all town officers. They may establish rules for their own proceedings; punish any member or other person for disorderly behavior in their presence; they shall keep a journal of their proceedings and at the desire of any member shall cause the ayes and noes to be taken on any question and entered on the journal.

SEC. 9. The Board of Trustees shall have power within said town:

First—To make by-laws and ordinances not repugnant to the Constitution and laws of this State or the United States.

Second—To construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for duly supplying the town with water under the limitations hereinafter presented by this Act.

Third—To lay out, alter, open, and keep open and repair the streets, sidewalks, and alleys of the town, and determine the width and grade of all streets and sidewalks in the town, and to set out and cause to be set out and cultivated, shade trees along said streets, and to regulate and direct the planting of the same.

Fourth—To provide such means as they may deem necessary to protect the town from injuries by fire.

Fifth—To levy and collect annually not to exceed one per cent on the assessment valuation of all property, both real and personal, within the limits of the town.

Sixth—To impose and collect a road poll tax of not exceeding two dollars per annum on every male inhabitant of the age of twenty-one years and upwards; and no other road poll tax shall be collected within the limits of the Town of San Leandro.

Seventh—To impose and collect a tax of not to exceed two dollars per annum on every dog owned within the limits of the town; and no other dog tax shall be collected within the limits of said town.

Eighth—To provide for the draining, the establishing of grades, improvements, repairs, and lighting of the streets, and the construction of sidewalks, drains, and sewers, and the keeping of the same in repair; to prevent the erection of slaughterhouses or the business of slaughtering animals within the limits of the town; to provide for the prevention and summary removal of all nuisances; to provide for the prevention and summary removal of all occupations detrimental to the public health, comfort, and safety, and to provide for the prevention and regulation of contagious diseases; to suppress or regulate the erection of soap, glue, or tan works; to suppress and prohibit gambling houses, and all houses of ill-fame and prostitution, and all occupations, houses, places, amusements, and exhibitions which are against good morals and contrary to public order and decency.

Ninth—To regulate the erection of steam boilers and engines,

and to prohibit the erection thereof in places deemed dangerous to the inhabitants of the town.

Duties and
powers of
Trustees.

Tenth—To prevent the leaving of any animals upon any street, alley, or lane within the limits of the town without securely fastening the same; also, to prevent the hitching or fastening of any animal to, or to prevent the posting of any notice or placard upon, or otherwise destroying or injuring any lamp post or hydrant, or any tree upon any highways of the town, or any case or box around such tree.

Eleventh—To prevent the appearance of any person upon any highway or public place in a state of drunkenness or intoxication, or in any private house or grounds to the annoyance of any person therein; and to prevent any person or persons from behaving in an indecent or lewd manner; or making any indecent exposure of his person, or performing any indecent, immoral, or lewd play or representation, or the bathing in any public manner within the limits of the town; to prevent any noise, disorder, or tumult, to the disturbance of the public peace.

Twelfth—To prevent the discharge of firearms, pistols, or cannon within prescribed limits; to prevent the immoderate riding or driving of any horse or other animal upon the highways within the town; to prevent any sport or exercise upon the highways or public grounds having a tendency to frighten horses; to empower any police officer or Justice of the Peace to disperse any disorderly crowd upon the highways or sidewalks.

Thirteenth—To provide for inclosing, improving, and regulating all public grounds at the expense of the town.

Fourteenth—To license, tax, and regulate all such business and employments as the public good may require and as may not be prevented by law; *provided*, that all licenses issued to persons doing business within the Town of San Leandro, and heretofore made payable into the County Treasury exclusively for county purposes, shall be paid into the Town Treasury for the use of said town; and it shall be unlawful for any county officer to collect any such licenses within the said town.

Fifteenth—To permit the laying of railroad tracks and the running of cars, drawn by horses or steam, thereon, and to regulate the same.

Sixteenth—To erect, purchase, or lease proper buildings for a Fire Department.

Seventeenth—To provide for the good order of the town, and to appoint special policemen, when deemed necessary, to preserve the public peace.

Eighteenth—To purchase, hold, and maintain a fire engine, and such implements for the prevention and extinguishment of fires as may be necessary.

Nineteenth—To prevent horses, cattle, goats, and swine from running at large, being picketed or herded upon the streets, alleys, lanes, or public grounds within the limits of the town.

Twentieth—To establish a pound and a Poundkeeper, and prescribe his duties, and to provide for a public sale by the Poundkeeper of such animals as shall be impounded, in the same way and upon like notice that personal property is sold by execution

Duties and
powers of
Trustees.

under the laws of the State; *provided*, said Board of Trustees shall allow, by the proper order, the owner or owners of such property so impounded to reclaim the same at any time before the sale upon payment of costs and charges of taking up and impounding; and within thirty days after the sale shall allow him or them, upon proof of ownership of the property sold, duly made before a Justice of the Peace, and upon payment of costs of impounding and selling, and upon the payment of the sum of one dollar to the said Justice as a fee for the investigation of ownership, and for his certificate to that effect, the purchase money arising from such sale or sales.

Twenty-first—To provide for the lighting of such streets and buildings belonging to or in use by the town as may be necessary; *provided*, that no contract for lighting any street shall be let for a longer period than five years.

Twenty-second—To offer and pay rewards for the arrest and conviction of persons charged with crime.

Twenty-third—To prescribe and fix such penalties for the violations of any of the provisions of this Act as are not otherwise provided for.

Twenty-fourth—To erect, purchase, or lease a building necessary for the public meetings of the Board of Trustees; also a suitable building for an engine house, and a structure suitable for a town prison; *provided*, that the amount expended for the construction of buildings shall not exceed four thousand dollars (\$4,000) in any one year; and *provided* further, that the amount expended for leasing shall not exceed one thousand dollars (\$1,000) in any one year.

Twenty-fifth—The Board of Trustees shall have power to order, in the general municipal election, on like notice, and in the same manner as the other officers are elected, one or more Justices of the Peace, and one or more Constables, to hold office for one year, and until their successors are elected and qualified.

Twenty-sixth—To pass all ordinances and by-laws necessary and proper for fully carrying into effect the power herein granted.

VIOLATION OF ORDINANCES.

Violation
of
ordinances.

SEC. 10. The Board of Trustees may, by ordinance, designate the punishment to be inflicted for the breach of their ordinances, which punishment may be fine or imprisonment, or both, as said Board may designate. No fine exceeding one hundred dollars, nor imprisonment exceeding thirty days, for any one breach of any ordinance, shall be imposed on any one person. Any Justice of the Peace residing within the limits of said town shall have jurisdiction to hear and try all cases for the violation of ordinances, and to render a judgment of fine or imprisonment, or both, within the limit prescribed by the ordinance. All suits for the violation of any ordinance shall be in the name of the Town of San Leandro. Fines may be collected by execution. In case judgment directing the payment of a fine be rendered, the Justice may further direct that in case the defendant fail to pay the same, he shall be imprisoned until the same be paid, not to exceed one day for every two dollars of the fine. Persons living within the limits of the town shall be competent jurors,

if in other respects competent and qualified. All fines collected under this Act shall, by the officers collecting the same, be paid over to the Town Treasurer, and for any omission so to do such officer may be proceeded against upon his official bond, in the name of the town, in the manner authorized by law on the failure of officers to pay over money collected, when so required.

LAYING OUT AND OPENING STREETS.

SEC. 11. Article I. Whenever a petition shall be presented to the Board of Trustees of the Town of San Leandro, signed by the owners of a majority of the real estate fronting on both sides of any projected street, or upon a street already established and sought to be extended, it shall be the duty of said Board to examine into said matter, and if in the opinion of a majority of all the members elected to said Board, to be expressed by a resolution to be entered upon their minutes, with the names of members voting therefor, the benefits to arise from granting said petition, in whole or in part, will exceed the damages and expenses to be caused thereby, and the convenience of the public will thereby be promoted, they may by resolution direct an engineer to furnish a map of the said proposed improvement and of the premises to be affected thereby; a copy of which resolution shall forthwith be transmitted by the Clerk of the said Board to said engineer. Article II. It shall be the duty of said engineer, upon receiving such notice, to proceed and survey the said proposed improvement; to make a map thereof, showing the location, boundaries, the amount of land necessary to be taken, and the names of the owners and possessors thereof, showing the portions owned and possessed by each, and return the same to the Board of Trustees within ten days after the receipt of said resolution by him, unless longer time shall be granted by said Board. Article III. Upon receiving said map and return from said engineer, the said Board shall forthwith give notice of not less than five days, by publication in a newspaper, if there be one published within said town; if there be no newspaper published in said town, then by posting notices at the place of meeting of said Board, and at three other public places in said Town of San Leandro, of the time and place where they will hear all parties desiring to show cause against said improvements. At the time and place designated in such notice, or at such subsequent time as the Board may adjourn to, but such adjournment shall not in the aggregate exceed seven days, the Board shall proceed with such hearing. Article IV. If no objection be made, or if, after hearing the objections thereto, the Board shall remain of the opinion that such improvements should be made, they shall elect, by ballot, three Commissioners, residents and property owners in said town, not interested, directly or indirectly, in the proposed improvement, or in the property to be affected thereby, to assess the damages and benefits to be caused by said improvement. Within two days thereafter, said Commissioners shall give notice of the time and place where they will proceed to examine the property to be affected by such improvement, by an advertisement for three days in a newspaper published in said town,

Laying out
and
opening
streets.

Laying out
and
opening
streets.

if there be a newspaper published therein; and if not, by posting notices at the place of meeting of the Board, and at three other public places in said town. At the time and place named, they shall proceed to examine the lands and improvements to be affected by the proposed improvements, and shall first ascertain the amount of damages to be sustained, the names of the owners of the property to be damaged, and the amount to be paid to each of such owners therefor. They shall then assess upon the property to be benefited by such improvement a sum sufficient to pay the whole amount of said damages and the fees and expenses of the said Commissioners, and shall apportion the same among the owners of the several parcels of property to be thus benefited in proportion to the amount of benefits to accrue to each. In making such estimate and apportionment, they shall take all pertinent testimony that may be offered them, and may examine any witnesses that they shall deem it necessary or advisable to call, and shall have authority to administer oaths to all persons testifying before them. Within twenty-one days after their apportionment, unless further time be granted by the Board of Trustees, they shall make a report to the said Board of the assessments and awards so made by them, with the names and amounts of the persons damaged or benefited as aforesaid. Article V. Upon receiving such report said Board may by ordinance levy a tax upon the several parcels of property reported as benefited by said improvement, for the amounts severally charged against each in said report, which tax shall be a lien upon said several parcels of property severally, and shall not be removed until said tax is paid. Immediately after levying such a tax they shall give notice thereof by advertisement, requiring the owners of the property taxed to pay the amounts severally due each to the Town Clerk, within ten days from the first publication of said notice. At the expiration of said ten days they shall issue to the Town Marshal a warrant, to be signed by their President and Clerk, commanding him to levy and collect all of the said tax that shall then be unpaid, with his fees for collection, from the property upon which the same is a lien as aforesaid, and shall thereupon deliver the same to said Marshal. Article VI. Upon receiving said warrant said Marshal shall proceed to collect so much of said tax as is unpaid, by levy upon and sale of the several portions of property upon which said unpaid tax is a lien in the same manner and with the same authority as sales on execution by Sheriffs, and shall return said warrant, with his doings thereon, within thirty days after the receipt thereof by him. If for any reason the whole amount thereof shall not be collected, said Board may issue with like effect a subsequent warrant or warrants until all be collected. Article VII. As soon as money enough for the purpose is received from said tax, said Board shall direct the Marshal to pay or tender to each party to whom damages have been awarded the sum severally due them, and thereupon to proceed forthwith and open said street or other improvement, and the same shall thereupon be deemed to be open to public use for the purpose and to the extent in the original ordinance prescribed. If any person or party entitled to damages cannot be found by said

Marshal, he shall deposit the amount due to them in the Town Same. Treasury as a special deposit, subject to their order, and the same shall be deemed a sufficient payment under this Act. The money so deposited shall not be drawn or used for any other purpose whatever. Article VIII. All moneys collected under this Act shall be paid into the Town Treasury as a special Fund for the purposes for which they were collected, and shall not be drawn out or used for any other purpose whatever. Article IX. The engineer aforesaid and the Commissioners to be appointed as herein prescribed shall each have the right to go in or upon any property, for the purpose of making the survey and examinations above mentioned, or for any other purpose necessary in the discharge of their duties under this Act. Said Commissioners shall each be entitled to three dollars for the first day, and two dollars for each subsequent day devoted to their duties as such Commissioners, and they shall not receive any other fees or compensation for such services.

CONSTRUCTION AND REPAIR OF SIDEWALKS.

SEC. 12. If at any time the owners of a majority of the real estate fronting on one side of any street, between two given points on such street, shall petition the Board of Trustees to order to be constructed or repaired a sidewalk along said street and between said given points, then it shall be the duty of said Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the sidewalk to be constructed or repairs to be made, and shall order said improvements as petitioned for to be made in accordance with said plans and specifications, and shall make an assessment of the costs thereof to each of the persons owning the real estate between said given points, each of said persons to pay the cost of said improvement in front of his property, and the same shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvements in front of his property, in accordance with the specifications and within the time mentioned in the ordinance ordering the improvements to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out in the manner provided by ordinance, the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect, or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute a suit in the name of the town against the owner for the recovery of said costs; and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The said Trustees may require said sidewalks, after such improvements have been made, to be kept in good repair by the owners of said real estate; and if not repaired when ordered, the Marshal may let out the making of said repairs, and collect the cost of the same in the same

Construction and repair of sidewalks.

manner as in the case of the owners failing to make or pay for the cost of the improvement as aforesaid; *provided*, that the cost of the plans and specifications shall be paid out of the General Fund of the town; and *provided* further, that all street crossings for sidewalks shall be made at the expense of the owners of the quarter blocks adjacent to said crossing.

IMPROVEMENT OF STREETS.

Improvement of streets.

SEC. 13. If at any time the owners of more than one half in frontage of lots and lands fronting on any street or proposed street, between two given points on such street, or their duly authorized agent, shall petition the Board of Trustees to order to be graded, macadamized, or otherwise improved such street between said points, then it shall be the duty of said Board of Trustees to determine and draw up or cause to be drawn up plans and specifications of the character and improvement to be made on such street, and shall order said improvement as petitioned for to be made in accordance with said plans and specifications, and may make an assessment of one half of the cost thereof to each of the persons owning the real estate fronting on said street between said points, each of said persons to pay one half of the cost of making said improvement in front of his property; or said Board of Trustees may assess less than one half of the cost of said improvement to each of the owners of the real estate fronting on said street, and may pay out of the Town Treasury such amount as may be necessary to complete said improvement. Whatever amount may be assessed against said real estate as aforesaid in this section by said Board of Trustees shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvement in front of his property in accordance with the plans and specifications and within the time mentioned in the ordinance ordering the improvement to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out, in the manner provided by ordinance, the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect, or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute suit, in the name of the town, against the owner for the recovery of said costs; and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The plans and specifications herein provided for, and all costs and expenditures for the improvement and repair of the sidewalks in front of the public grounds of the town, and the one half of the cost and expenditure of the improvement of the streets in front of such public grounds, shall be paid out of the Town Treasury.

STREET ASSESSMENTS.

SEC. 14. The assessments provided for in sections eleven and twelve of this Act shall be made upon the lots and lands front-

ing upon the street to be improved, each lot or portion of lot being separately assessed in proportion to its frontage, at such rate per front foot as the Board of Trustees may have agreed upon, not to exceed the one half of the cost of such improvement in front of such property. Street assessments.

SEC. 15. Whenever any street to be improved as provided in section fourteen of this Act shall cross any other street, then the expense of the improvement on such crossing shall be assessed by the Board of Trustees upon the four quarter blocks adjoining and cornering on the crossing; and each lot or part of a lot in such quarter block fronting on such street where the improvement is being or about to be made shall be separately assessed according to its proportion of frontage on such street to be improved; *provided*, that said Board of Trustees may assess less than the entire cost of said improvement on said four quarter blocks, and may pay the balance out of the Town Treasury. The Trustees shall fix by ordinance each year the amount of taxes to be levied and collected for current expenses; *provided*, that no tax to be levied for any one year shall exceed one per cent on all the taxable property in said town.

DEBT.

SEC. 16. Neither the Board of Trustees nor any officer, officers, or authority shall have power to contract any debt against said town, and no person or property therein shall ever be liable to be assessed, or be subject to taxation in any form, to provide for the payment of any debt hereafter contracted, or any claim against the town, except such legal or proper expenses thereof as shall accrue after the commencement of the year for which the tax shall be levied; and no part of the moneys levied and collected by taxation for one year shall ever be applied toward the payment of any expenses, debt, or liability incurred during any preceding year. Debt.

LEGAL ORDINANCES.

SEC. 17. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all the members elected. Legal ordinances

BOARD OF EQUALIZATION.

SEC. 18. The Board of Trustees shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessment, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they, or a majority of them, shall deem just and proper. Said meeting shall be held for such length of time as the Board of Trustees shall by ordinance fix. Board of equalization.

OFFICIAL OATHS AND BONDS.

Official
oaths and
bonds.

SEC. 19. The Marshal, Assessor, Clerk, and Treasurer, before entering upon the duties of their office, shall take the oath of office as prescribed by law, and also give a bond, with sureties, to be approved by the Board of Trustees of said town, payable to the Town of San Leandro, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their offices as required by law. Should the bond of any town officer become insufficient, he shall be required to give such additional security within ten days as the Board of Trustees may require, not exceeding the amount fixed by ordinance. Upon his failure to do so at the time fixed, his office shall be declared vacant, and such vacancy shall be filled by appointment of the Board of Trustees.

VACANCIES.

Vacancies.

SEC. 20. If any vacancy shall occur in any of the offices created by this Act, they shall be filled by appointment of the Board of Trustees. Should any of the officers herein mentioned fail to qualify and give the bond required for the period of ten days after receiving notice of their election, the office shall be deemed vacant, and the same shall be filled as provided in this Act. The official bond of every officer named in this Act shall be filed with the President of the Board of Trustees.

CLAIMS.

Claims.

SEC. 21. All demands that shall lawfully arise against the town, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to and allowed for such an amount as shall be deemed just by the Board of Trustees; and no bill, demand, or warrant shall be paid out of the Town Treasury unless the same be allowed by the Board of Trustees, signed by the President of said Board and countersigned by the Clerk.

CLERK.

Clerk.

SEC. 22. It shall be the duty of the Town Clerk, in addition to any duties required of him by the Board of Trustees, to attend all meetings held by said Board, and shall keep a correct journal of their proceedings; and on receiving the official returns of all charter elections held, shall without delay after the result of the election has been declared by the Board of Trustees, notify the persons elected, and he shall receive such compensation for his services as said Board of Trustees may by ordinance fix. The Clerk shall also act as Clerk of the Board of Registration, and perform the duties thereof in the same manner as such duties are prescribed in the general Registry Law governing elections in this State, and for a failure to comply shall be liable to all such penalties as are therein set forth, and be subject to removal from office and forfeiture of his official bond as Town Clerk.

MARSHAL.

SEC. 23. It shall be the duty of the Town Marshal, in addition to any duties required of him by the Board of Trustees, and he is hereby authorized to enforce all ordinances passed by the Board of Trustees and arrest all persons guilty of a violation of the same; to collect all taxes and licenses that shall at any time be due to said town; to receive the tax list, and upon the receipt thereof, to proceed and collect the same at the time and in the manner as by ordinance may be provided, the said Marshal being hereby vested with the same powers to make collections of taxes as is or shall be conferred upon Tax Collectors for the collection of State and county revenue; and it shall be the duty of said Marshal to collect in the same manner any tax list placed in his hands for that purpose, without any unnecessary delay, and pay all taxes to the Town Treasurer, monthly, taking his receipt therefor. Said Marshal shall receive such compensation for his services rendered under the provisions of this Act as the Board of Trustees may by ordinance fix. He shall have the same power in all civil and criminal cases within the limits of said town as Constables have within the respective townships for which they are elected.

TREASURER.

SEC. 24. It shall be the duty of the Town Treasurer to receive and safely keep all moneys that shall come into the Town Treasury, and pay out the same on the order of the Board of Trustees, countersigned by the President and Clerk, and take receipts therefor, and to perform such other duties as may be required of him by said Board of Trustees; and shall make out a quarterly statement of his receipts and payments, verified by his oath, and file the same with the Town Clerk; and at the end of his official term shall deliver over to his successor in office all moneys, books, papers, or other property in his possession belonging to the town.

ASSESSOR.

SEC. 25. It shall be the duty of the Town Assessor, in addition to any duties required of him by the Board of Trustees, between the second Monday in May and the first Monday in August of each year, to make out a true list of all taxable property within the limits of said town, which list, certified by him, shall, on the third Monday in August, be by him placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of the property shall be the same as that prescribed by law for assessing State and county taxes; and the Assessor shall receive for his services such sum as shall be fixed by ordinance. No levy of taxes shall be made upon real and personal property within the limits of the town, by the Board of Supervisors of Alameda County, for road purposes; and no taxes shall be collected by the Tax

Collector of said county on property situate within said town for such purposes.

IMPROVEMENTS IN FRONT OF COUNTY PROPERTY.

Improvement in front of county property.

SEC. 26. Whenever any improvements shall be made upon the streets or sidewalks of said town in front of any property owned by the County of Alameda, the proper proportion of the cost thereof shall be paid by said county out of the General Fund of said county.

COLLECTION OF TAXES.

Collection of taxes.

SEC. 27. Town taxes shall be collected in the same manner that State and county taxes are collected within the County of Alameda; *provided*, that the publication of the delinquent tax list shall be made in some newspaper published within said town, if there be one; if there be none, then in some newspaper published within said county.

TOWN ATTORNEY.

Town Attorney.

SEC. 28. The Board of Trustees of said town may appoint a Town Attorney, whose duty it shall be to prosecute all suits brought on behalf of the town, and to defend all suits brought against it, and to do such other duties as the Board of Trustees may direct, and whose compensation shall be such sum as said Board may determine.

JUSTICE OF THE PEACE.

Justice of the Peace.

SEC. 29. The Town Justice of the Peace shall have the same jurisdiction within the limits of said town, in all civil and criminal cases, as any other Justice has within the township for which he is elected.

PAYMENTS IN COIN.

Payments in coin.

SEC. 30. All taxes, assessments, and fines payable to the Town Treasury, and the costs of the improvements on any sidewalk, street, or other town improvement, shall be payable only in gold or silver coin of the United States.

SERVICES OF TRUSTEES.

Services of Trustees.

SEC. 31. The President of the Board of Trustees shall preside at all meetings of said Board when he shall be present; and for their services said Trustees and President shall receive no compensation.

STYLE OF ORDINANCE.

Style of ordinance.

SEC. 32. The style of the ordinance of the Town of San Leandro shall be: "The Trustees of the Town of San Leandro do ordain as follows."

SEC. 33. The Town Trustees are hereby authorized and required to procure the necessary books for the official records of the town. Books for records.

SEC. 34. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed. Repealing.

SEC. 35. This Act shall take effect and be in force from and after its passage.

. CHAPTER CCCXLI.

An Act for the relief of George W. Reamer and his associates.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The rights and privileges, powers and functions granted to the "American River Water and Mining Company," by an Act entitled an Act to authorize the American River Water and Mining Company to extend their works to or near the City of Sacramento, for the purpose of supplying the inhabitants thereof with pure fresh water for drinking and other domestic uses, approved April sixth, eighteen hundred and sixty, are hereby conferred on George W. Reamer, his associates and assigns. Relief of G. W. Reamer.

SEC. 2. This Act shall be in force, virtue, and effect from and after its passage.

CHAPTER CCCXLII.

An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporate limits of the Town of Santa Cruz are hereby extended so as to include the land beyond the exterior limits of said town and within a line beginning at a point of intersection of the eastern bank of the San Lorenzo River with the township line dividing township eleven south, range one west, from township eleven south, range two west; thence southerly along the east bank of the San Lorenzo River to the Bay of Monterey; thence south to the southern boundary of the County of Santa Cruz; thence westerly along the said Corporate limits.

southern boundary to a point due south of the southwest corner of the corporate limits of the Town of Santa Cruz, as established by the Act to which this Act is supplementary to and amendatory of; thence north to the said southwest corner of said corporate limits.

Tide lands. SEC. 2. All the tide lands within the corporate limits of said town, between the line of high and low tide, are hereby dedicated as public grounds, and the title thereto is granted to the corporate authorities of the Town of Santa Cruz in trust for the use of the public, and without power to sell or in any manner to dispose of the same or any part thereof, but nothing herein contained shall in any manner be construed so as to prevent the construction and maintenance of wharves over, in, and through said lands by authority of the laws of the State of California, or the free use thereof for fishing purposes.

Channel of San Lorenzo River. SEC. 3. The channel of the San Lorenzo River, within the corporate limits of the Town of Santa Cruz, is hereby declared to be three hundred feet wide, the westerly line thereof to be as follows: Beginning at a point on the west bank of the San Lorenzo River and on the north boundary of the Town of Santa Cruz as defined by the Act of incorporation; thence down the west bank of said river south fifty-one degrees east three hundred and thirty-five feet to a station; thence south fifty-five and one-half degrees east two hundred and sixty-eight feet to a station; thence south fifty and one-half degrees east three hundred and thirty-eight feet to a station; thence south twenty-five and one half degrees east four hundred and thirty feet to a station; thence south nineteen degrees east seven hundred and eighty feet to a post; thence south twenty-one degrees twenty-three minutes east one hundred feet to an angle on the east side of San Lorenzo street; thence along the east side of said street south twenty-one degrees twenty-three minutes east three thousand seven hundred and seventy-eight feet to a station; thence south fourteen degrees thirty-nine minutes east one hundred feet to a station; thence south seven degrees fifty-six minutes east two thousand six hundred and sixty-two feet to a station; thence south eleven degrees twenty-six minutes east one hundred feet; thence south eighteen degrees twenty-six minutes east one hundred feet; thence south twenty-five degrees twenty-six minutes east one hundred feet; thence south thirty-two degrees twenty-six minutes east one hundred feet; thence south thirty-nine degrees twenty-six minutes east one hundred feet; thence south forty-seven degrees fifty-six minutes east one hundred feet; thence south fifty-seven degrees fifty-six minutes east one hundred feet; thence south sixty-seven degrees fifty-six minutes east one hundred feet; thence south seventy-two degrees fifty-six minutes east fifty feet to a station on the edge of the bluff; thence leaving said street south eighty-three and three quarters degrees east six hundred and seventy feet to a station on the township line separating ranges one and two west, from which point the corner to sections thirteen and twenty-four, eighteen and nineteen, bears south seven hundred and twenty-nine feet distant; thence south sixty-nine degrees east seven hundred and eleven feet to a station; thence south fifty-eight degrees east three

hundred and thirty feet to a station; thence south fifty-four degrees east five hundred and sixty-one feet; thence south thirty-six degrees east two hundred and thirty-one feet to a station; thence south twenty degrees east three hundred and thirty feet to the tide line on the Bay of Monterey.

SEC. 4. The Board of Trustees shall have power to provide by ordinance for the deepening of the channel of said San Lorenzo River, and for keeping the same free from obstructions. Deepening of channel.

SEC. 5. The Board of Trustees shall have power to provide for the improvement of San Lorenzo street so far, in such a manner, and at such times as they may deem necessary in order to protect the town against the waters of the San Lorenzo River. The means required for such improvement shall be provided for by the Board of Trustees by the issue of not exceeding ten thousand dollars of the bonds of said town, payable within ten years from the date of their issue, and bearing interest payable semi-annually, at a rate of not exceeding ten per cent per annum, by the levy of special taxes or by assessments on the property directly benefited by such improvement, or by all or any of the modes herein provided. In case of the issue of town bonds, said Board of Trustees shall provide by taxation for the payment of the interest and principal of such bonds. Improvement of San Lorenzo street.
Bonds.

SEC. 6. The Board of Trustees shall have power to lay out, extend, and alter streets and alleys, provide for the grading, draining, cleaning, repairing, widening, lighting, or otherwise improving the same, and for the construction, repair, regulation, and preservation of sidewalks, bridges, drains, curves, gutters, and sewers, and to prevent or remove obstructions thereto or to any part thereof. Laying out streets and alleys.

SEC. 7. The Town Tax Collector shall collect all taxes authorized to be levied by the Board of Trustees. Town Tax Collector.

SEC. 8. Section three of an Act entitled an Act concerning public roads and highways in the Counties of Santa Cruz and San Diego, approved March twenty-first, eighteen hundred and seventy, so far as the same applies to the County of Santa Cruz, is hereby repealed. Repealing.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXLIII.

An Act to authorize the Board of Supervisors of the County of San Luis Obispo to audit and allow the claim of M. B. Harrison.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claim of
M. B.
Harrison.

SECTION 1. The Board of Supervisors of the County of San Luis Obispo is hereby authorized and directed to audit and allow the claim of M. B. Harrison, for services rendered and to be rendered the county in the collection of State and county taxes, in such sum as the Board may deem just and reasonable, and the County Treasurer is directed to pay out of the General Fund of the County any warrant drawn for the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXLIV.

An Act to amend an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide for a bounty for the same, approved March sixteenth, one thousand eight hundred and seventy.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Tax for
destruction
of squirrels
and
gophers.

Section 1. The respective Boards of Supervisors in and for the Counties of Alameda, Contra Costa, Fresno, Stanislaus, Merced, San Joaquin, and Yolo shall, at the time of making their annual levy of the State and county taxes, or at any regular meeting of said respective Boards on or before the first Monday in June, one thousand eight hundred and seventy, and every year thereafter, levy a special tax, not to exceed in the Counties of Alameda, Stanislaus, Merced, Fresno, and Yolo two cents, in the Counties of Contra Costa and San Joaquin five cents, at the discretion of the said Boards of Supervisors, on each one hundred dollars valuation of all taxable property on the respective assessment rolls of said counties; which tax shall be collected at the same time and manner in which other county and State taxes are collected; and when so collected, less only the fees allowed by law for the collection and disbursement of the same, shall constitute in each of said counties a Fund to be known as the Bounty Fund.

SEC. 2. This Act shall take effect and be enforced from and after its passage.

CHAPTER CCCXLV.

An Act to authorize the transfer to the General Fund of money in other Funds of the State Treasury, and the return thereof to such Funds.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the General Fund of the State Treasury becomes exhausted, and there is money in other Funds not required to meet any accrued demands against said Funds, or demands to accrue against said Funds, the Controller shall report the fact to the Governor and Treasurer; and if the Governor and Treasurer find that the money is not needed in such other Funds, the Governor shall order the Controller to direct the transfer thereof to the General Fund. All money so transferred to the General Fund shall be returned to the Fund from which it was transferred as soon as there is sufficient money in the General Fund to return the same. Nothing in this Act shall be so construed as to order or warrant the transfer of any money from any Fund so as to in any manner interfere with the object for which such Fund was created.

Transfer
of funds.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXLVI.

An Act to amend an Act entitled an Act to consolidate certain school districts of the Counties of El Dorado and Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the above entitled Act is hereby amended so as to read as follows:

Section 1. All of that part of Negro Hill School District lying on the southeast side, and all of that part of said district lying on the northwest side of the South Fork of the American River, in the Township of Salmon Falls, El Dorado County, and the Mormon Island School District, in the Natoma Township, Sacramento County, are by this Act united and consolidated

Natoma
School
District.

into one school district, under the name of "Natoma School District."

Trustees.

SEC. 2. The present Board of Trustees of Natoma School District shall be the Trustees of the district created by this Act, and shall hold their offices until the last Saturday in April, A. D. eighteen hundred and seventy-two, at which time three Trustees shall be elected for the Natoma School District as established by this Act, in accordance with the general School Law.

Apportionment.

Jurisdiction.

SEC. 3. The County Superintendent of El Dorado County shall apportion to the children of said district residing in El Dorado County, and returned by the Census Marshal of said Natoma District as so residing in El Dorado County, the public moneys belonging to the State and County School Funds in common with the other children of El Dorado County; which amounts, when apportioned, shall be subject to and paid upon the order of the Board of Trustees of said Natoma School District. The County Superintendent of the County of Sacramento shall have jurisdiction over said district; he shall, under, pursuant to, and in accordance with section ninety-eight of an Act passed April fourth, eighteen hundred and seventy, entitled "An Act to amend an Act to provide for a system of common schools," after consulting with the Superintendent of Common Schools of El Dorado County as to the amount of apportionment furnished to the Board of Supervisors and Collector of the County of Sacramento, and also to the Board of Supervisors and Collector of the County of El Dorado, respectively, [report] in writing, on or before the first day of March in each year, an estimate of the cost for maintaining a free school in said district, together with the cost of incidental expenses necessary; and shall inform himself as to the amount of taxable property in said district in each county, and shall determine and in writing furnish to each of said Boards of Supervisors his conclusion as to the rate per cent to be levied within said district for school purposes for the school year, and his determination shall be final; and each of said Boards of Supervisors shall thereupon, pursuant to section ninety-nine of said Act, levy such special school tax, to be collected in each county, as in other cases provided by law.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCXLVII.

An Act to prohibit the hunting or shooting of game within certain private grounds in the County of Butte.

[Approved March 22, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person to hunt or shoot game within any yard, park, garden, or other private inclosure immediately about or within five hundred yards of a dwelling, it being the property of another person, in the County of Butte; and any person who shall hunt or shoot game within such grounds or inclosure shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than ten dollars nor exceeding one hundred dollars. Hunting and shooting game.
Misdemeanor.

SEC. 2. Any person guilty of such misdemeanor or offense shall be liable to a prosecution therefor before any Justice of the Peace of the township where such offense is committed, on complaint of the party aggrieved or his agent, and in all cases of conviction the costs of the prosecution shall be taxed by the Justice against the defendant, and such costs and fine may be collected as judgments are collected in other actions; and should the defendant neglect or refuse to pay the same, the Justice may imprison such defendant in the County Jail of said county until the same is paid, or for a term not exceeding three months. Prosecution.
Fine and imprisonment. All fines collected under the provisions of this Act shall be paid over by the Justice to the County Treasurer of said county, who shall place the same in the County School Fund of the county.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act, affecting the County of Butte, are hereby repealed. Repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCXLVIII.

An Act to repeal an Act entitled an Act to provide for the better care of indigent sick in the County of San Bernardino, approved May sixth, eighteen hundred and sixty-two.

[Approved March 22, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled an Act to provide for the care of indigent sick in the County of San Bernardino, approved May sixth, eighteen hundred and sixty-two, is hereby repealed. Repealing.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXLIX.

An Act to authorize the Board of Supervisors of Los Angeles County to locate and build bridges across the Los Angeles River, and the New San Gabriel and Old San Gabriel Rivers, in Los Angeles County, and to issue bonds for the payment of the same.

[Approved March 22, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bridges.

SECTION 1. The Board of Supervisors of Los Angeles County are hereby authorized and empowered to locate and construct good and substantial bridges, of sufficient width and strength to admit the passage of heavily freighted vehicles of every description, free of charge, across the Los Angeles River, and across the New San Gabriel River and the Old San Gabriel River, in Los Angeles County, one bridge across each river, on a line of road to be constructed extending from a point near the house of Manwell Dominguez, in said county, to the eastern bank of the New San Gabriel River, with substantial abutments, as the said Board of Supervisors shall determine, but at an expense not to exceed twenty-five thousand dollars for the three bridges; *provided*, that said bridges, or either of them, shall only be constructed and paid for in the manner hereinafter provided; and *provided* further, that nothing in this Act shall authorize said Board of Supervisors, or any of them, to contract, contract for or be interested in anywise in the contract for the construction of said bridges or either of them.

Proposals.

SEC. 2. Before proceeding to the construction of any of the bridges authorized to be constructed by this Act, the Board of Supervisors of said county shall cause to be prepared and shall adopt plans and specifications for the construction of said bridges, and shall deposit the same with the Clerk of said Board for the inspection of bidders, and shall cause to be published for at least thirty days in some daily newspaper of general circulation printed in the City of San Francisco, and also in some daily newspaper printed and published in said county, an advertisement for sealed proposals for the construction of said bridges. Said proposals shall be addressed to the Clerk of the Board of Supervisors of Los Angeles County, and shall contain a bid for the construction of said bridges, or either of them, according to the plans and specifications adopted by said Board, and shall state the names of the proposed sureties, and be accompanied by their written consent to become sureties in case of the acceptance of the bid.

Awarding contract.

SEC. 3. Within one week after the expiration of the time specified in said advertisement for the presentation of said proposals, the said Board of Supervisors shall meet and in public open all proposals that may have been received for the construction of said bridges, or any of them, and shall proceed to consider the said proposals, and shall, upon the filing of the bond hereinafter provided for, award the contract for the con-

struction of the said bridges, or either of them, to the lowest responsible bidder or bidders; *provided*, always, that said Board shall have power to reject any and all bids received; and *provided*, that no party to whom the contract for building said bridges or either of them may have been awarded shall have the right to sub-contract the work of building said bridges or either of them to any other person, under penalty of a forfeiture of his bond.

SEC. 4. The person or persons to whom the contract for the construction of said bridges or either of them may be awarded shall file a good and sufficient bond, with two or more sureties, in double the amount of their respective bids, to be approved by the Board of Supervisors of said county, and conditioned to the effect that the obligors will well and truly, and in workmanlike manner cause the said bridge or bridges to be constructed and completed within six months after the bid shall have been accepted, in accordance with the plans and specifications as adopted by said Board; and *provided* further, that not more than seventy-five per cent of the amount agreed upon to be paid for the building of said bridges or either of them shall be paid as the work of construction progresses, and the remainder shall be paid when the work is completed and accepted by the Board of Supervisors.

Manner of
payment.

SEC. 5. For the purpose of providing means for the construction of said bridges, the Board of Supervisors of said county are hereby authorized to cause to be prepared suitable bonds of said county, to be denominated on their face "The Los Angeles County Bridge Bonds," of the denomination of five hundred dollars, gold coin of the United States, bearing interest at the rate of seven per cent per annum from the date of their issue, in like gold coin, payable at the office of the County Treasurer of Los Angeles County upon the first day of January of each year, and the principal sum thereof payable at said County Treasurer's office, in the City of Los Angeles, upon the first day of January, A. D. eighteen hundred and ninety. Said bonds shall be signed by the Chairman of the Board of Supervisors, and countersigned by the County Treasurer and County Auditor, and shall have the seal of the Auditor of said county stamped thereon, and shall have coupons attached, the first for the interest from the date of their issue for the term ending on the last day of December following, and the remainder for one year's interest each thereafter, to be consecutively numbered and attached thereto so as to be removed without injury or mutilation to the bond, which coupons shall be signed by the County Treasurer.

Los
Angeles
County
Bridge
Bonds.

Coupons.

SEC. 6. It shall be the duty of the Chairman of the Board of Supervisors, the County Auditor, and the County Treasurer of said county, each to keep a separate record of all bonds signed by them, which bonds shall remain with the County Treasurer.

SEC. 7. The bonds issued in pursuance of this Act shall be given and received exclusively in payment for the construction of the aforesaid bridges; *provided*, however, that if in the judgment of the Board it shall be deemed for the best interest of the county, they may sell any or all of said bonds at such time or times as they may deem proper, after having published a notice

Proposals
for
purchase
of bonds.

for thirty days in one newspaper published in said County of Los Angeles, and one newspaper published in the City of San Francisco, inviting proposals for the purchase of the same. Upon a day to be named in said notices, the Board shall meet to consider said proposals, and they shall deliver said bonds with the coupons attached to the person or persons bidding the highest price therefor in gold coin of the United States; *provided*, that said Board of Supervisors shall have power to reject any and all bids.

Principal
and
interest tax

SEC. 8. For the payment of the principal and interest of the bonds issued in pursuance of this Act, there shall until the same are paid and discharged, be annually levied and collected, in the same manner as is or may be provided by law for the collection of State and county taxes, a special tax not exceeding twelve cents on each one hundred dollars of the aforesaid value of the real and personal property in said county; and the Fund derived from this tax shall be set aside and applied exclusively to the payment of the interest and the final redemption of the bonds issued in pursuance of this Act, and shall be known by the name of "The Los Angeles Bridge Interest and Sinking Fund."

Los
Angeles
Bridge
Interest
and Sink-
ing Fund.

SEC. 9. Whenever on the first day of February in any year after the payment of the interest as herein provided for, there remains in the said "Los Angeles Bridge Interest and Sinking Fund" a surplus exceeding five hundred dollars, it shall be the duty of the County Treasurer of said county to advertise for one month in a newspaper printed and published in said county for sealed proposals, to be opened one week after the expiration of said publication by the Treasurer, at his office, in the presence of the Chairman of the Board of Supervisors and of the County Auditor of said county, for the surrender of bonds issued under this Act; which advertisement shall state the amount of money the Treasurer has on hand for the purpose of redemption, and shall require said proposals to be accompanied with good and sufficient security that the same shall be carried out within fifteen days after acceptance, the class and form of which security may be prescribed by the County Treasurer. When said proposals are opened they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds until the cash on hand for redemption is exhausted.

When
redeemed.

SEC. 10. Immediately after any bonds shall have been redeemed as herein provided, it shall be the duty of the County Auditor to take the number of said bonds so redeemed, to whom issued, and when redeemed, and to make a record of the same in his office, and for that purpose the County Treasurer shall upon demand exhibit said bonds to him and shall permit him to deface the same in such a manner that neither they nor their coupons can again be put in circulation.

SEC. 11. This Act shall take effect from and after its passage.

CHAPTER CCCL.

An Act to put into effect certain parts of the Codes and provide for their publication.

[Approved March 22, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The whole of Chapters I, II, and VII, and all of Chapter III, except Articles XIII, XVI, and XIX of Title I, Part III, the whole of Title II, Part III, the whole of Title I, Part IV, and sections seven hundred and fifty-one, seven hundred and fifty-two, seven hundred and fifty-three, seven hundred and fifty-four, seven hundred and fifty-five, and seven hundred and fifty-six of the Political Code of the State of California, approved March twelfth, eighteen hundred and seventy-two, shall be in force and effect from and after twelve o'clock noon of the first day of May, eighteen hundred and seventy-two. Parts of
Codes put
into effect.

SEC. 2. The whole of Titles IV, V, and VI of Part I, and Time. sections one hundred and thirteen, one hundred and fourteen, and one hundred and fifteen of the Penal Code of California, approved February fourteenth, eighteen hundred and seventy-two, shall be in force and effect from and after twelve o'clock noon of the first day of May, eighteen hundred and seventy-two.

SEC. 3. Every provision of the Political Code and of the Same. Penal Code which explains, defines, construes, or gives force and effect to the provisions of the Titles, Chapters, or sections above referred to, shall, so far as may be required to carry into force and effect such provisions, to that extent be in force and effect from and after twelve o'clock noon of the first day of May, eighteen hundred and seventy-two.

SEC. 4. The Titles, Chapters, and sections in sections one and two of this Act referred to, must be read, construed, and enforced in the same manner and with like effect as they would be if every part of the Political Code and Penal Code took effect at the time specified in the preceding section. Construc-
tion.

SEC. 5. The phrase "Primary Evidence," as used in the Political and Penal Codes, means that evidence which suffices for the proof of a particular fact until contradicted and overcome by other evidence. Primary
evidence.

SEC. 6. In addition to the duties prescribed by section eleven hundred and thirteen of the Political Code, each County Clerk must, before the fifth day of October, eighteen hundred and seventy-two, make out a copy of the uncanceled entries existing on the Great Register of his county on the first day of October, eighteen hundred and seventy-two. County
Clerk.

SEC. 7. The copy so made out must be published and distributed as provided in sections eleven hundred and fourteen, eleven hundred and fifteen, and eleven hundred and sixteen of Publica-
tion.

the Political Code, and shall in all respects have like force and effect as will the copy made as provided in section eleven hundred and thirteen of such Code.

Supervisors
to allow
additional
Deputy
Assessors.

SEC. 8. The Board of Supervisors of each county in this State must meet at the county seat thereof on or before the second Monday in April, eighteen hundred and seventy-two, and allow the Assessor thereof such a number of deputies, to be appointed by him in addition to the number now fixed, or where no deputies are now allowed, so many deputies as will, in the judgment of the Board, enable the Assessor to complete the assessment within the time prescribed by law.

Allowance.

SEC. 9. The Board of Supervisors must thereafter, at their last regular meeting held prior to the first Monday in March of each year, make the allowance for the year as above provided for.

Compensation.

SEC. 10. The Board must fix the compensation of the deputies, and such compensation must be paid out of the County Treasury. The compensation must not exceed five dollars per day for each deputy for the time actually engaged, nor must any allowance be made but for work done between the first Monday in March and the first Monday in July of each year.

Assessors
and
Auditors.

SEC. 11. The Board of Supervisors of each county must make to the Assessor and Auditor thereof a reasonable allowance, not to exceed eight cents per folio, for making the statements required by sections three thousand six hundred and fifty-five and three thousand seven hundred and twenty-eight of the Political Code.

State
Board of
Equaliza-
tion.

SEC. 12. The State Board of Equalization may, by an order entered upon its minutes and certified to the County Auditor of any county in the State, dispense with the duplicate assessment book in such county, in which event the original assessment book shall perform all the offices of such duplicate and shall have like force and effect.

Revision
Commis-
sion.

SEC. 13. The Revision Commission must:

First—Compile for publication all general statutes continued in force by either of the Codes.

Second—Incorporate in the Codes, in form of notes, under the appropriate sections, all statutes or parts of statutes passed at the present session of the Legislature altering or affecting any provision of either of the Codes.

Third—Headnote the Federal and State Constitutions and the laws of the United States relating to naturalization and the authentication of writings, and insert them in the proper Code.

Fourth—Prepare alphabetical indexes for the Codes and volume of statutes continued in force.

Fifth—Furnish the State Printer with full copies of all the matters specified in the preceding subdivisions, and with copies of such Code, all fully arranged for publication.

Sixth—Prescribe the style of printing and binding, and give to each and the publication of the works their personal supervision.

Seventh—Read all proofs, and see that the printed copies agree with the originals.

Eighth—As their work progresses, notice any conflicts or incongruities, and prepare a bill to obviate the same.

Ninth—Incorporate in such bill anything in their opinion necessary to give completeness to the Code.

Tenth—Present such bill to the Governor before the first day of November, A. D. eighteen hundred and seventy-two.

SEC. 14. The State Printer must, under the direction of the Commissioners, print and bind two thousand copies of each volume of the Code, and one thousand copies of the volume containing the statutes continued in force. State Printer.

SEC. 15. The style of printing, the paper, and the binding must be such as the Commissioners prescribe. Style of printing.

SEC. 16. The printer must, under the direction of the Commission, include within one volume the Federal and State Constitutions, the laws of the United States relative to naturalization and the authentication of writings, and a list of the members of this Legislature. What included.

SEC. 17. As soon as the whole edition is printed and bound, the printer must deliver it to the Secretary of State.

SEC. 18. Of the edition of the Codes and of the volume containing the statutes continued, the Secretary must make distribution of as many copies and in like manner as the Reports of the Supreme Court of the State are by him distributed; and must also distribute to each member of the present Legislature two copies of the Codes, and two copies of the volume containing the statutes continued in force, and to each member of the Revision Commission and Advisory Committee ten copies of each. Distribution.

SEC. 19. The Secretary of State must keep the remainder of the edition on hand for sale at the following prices, in gold coin: Prices.

First—Each volume of the Codes, at two dollars and fifty cents.

Second—Each volume of "Statutes continued in force," at two dollars and fifty cents.

SEC. 20. He is responsible to the State for the whole of the edition not distributed under the provisions of section eighteen, and must at the end of each month make to the Controller a statement, under oath, showing: Secretary of State.

First—The number of volumes on hand at the end of the preceding month.

Second—The number on hand at the time of the statement.

SEC. 21. The Controller must at once charge him with the difference at the prices fixed by section nineteen, and the Secretary of State must at once pay the amount into the State Treasury to the credit of the General Fund. Controller.

SEC. 22. The Revision Commission must, within thirty days after the passage of this Act, compile and have printed in pamphlet form by the State Printer, twelve hundred copies of the laws put into effect by this Act, and must distribute such pamphlets in the same manner as the Secretary of State is required to distribute the session laws. Nothing in this Act, nor in an Act entitled "An Act to put into immediate effect certain parts of the Political and Penal Codes," approved March sixteenth, eighteen hundred and seventy-two, shall be construed to affect or repeal any of the Acts relative to stamp duties prior to the first day of January, eighteen hundred and seventy-three. Compiling by Commission.

Act
continued.

SEC. 23. For the purpose of editing and superintending the publication of the Codes passed at the present session of the Legislature and discharging the duties cast by this Act, the Commission existing under "An Act establishing a Commission for the Revision of Laws," approved April fourth, eighteen hundred and seventy, and the Act itself is continued until the first day of November, eighteen hundred and seventy-two, but then said law and the Commission shall cease.

Vacancy.

SEC. 24. If it becomes apparent to the Governor at any time after the passage of this Act that the Commission will be unable to complete the work within the time prescribed, he must appoint some suitable person to fill the vacancy in said Commission caused by the resignation of Charles Lindley.

No extra
compensation.

SEC. 25. The Revision Commission shall not charge or receive any extra compensation for copy made or furnished to the printer.

Delivery
of bills.

SEC. 26. Upon demand, the Secretary of State must deliver to the Commission the bills enacting such Codes.

Not to be
removed.

SEC. 27. After such delivery, the bills must not be taken from the Capitol building, but must at all times until they are returned be in the actual charge of one or more of the Commissioners, and must by them at the close of each day's labor be placed in one of the fire-proof vaults within the building.

When
returned.

SEC. 28. On the first day of November, eighteen hundred and seventy-two, the Commission must return the bills to the Secretary of State.

SEC. 29. This Act shall be in force from and after its passage.

CHAPTER CCCLI.

An Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization.

[Approved March 22, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Ventura
County.

SECTION 1. There shall be formed out of the eastern part of Santa Barbara County a new county, to be called Ventura.

Boundaries

SEC. 2. The boundaries of Ventura County shall be as follows: Commencing on the coast of the Pacific Ocean, at the mouth of the Rincon Creek; thence following up the center of said creek to its source; thence due north to the northern boundary line of Santa Barbara County; thence in an easterly direction along the said boundary line of Santa Barbara County to the northeast corner of the same; thence southerly along the line between the said Santa Barbara County and Los Angeles County to the Pacific Ocean and three miles therein; thence in a northwesterly direction to a point due south of and three miles distant from the center of the mouth of Rincon Creek;

thence north to the point of beginning, and including the Islands of Anacapa and San Nicholas.

SEC. 3. The seat of justice shall be at the Town of San Buenaventura until otherwise provided by law. Seat of justice.

SEC. 4. The Governor of this State shall, when this Act takes effect, appoint some suitable person, resident of Ventura County, to act as County Judge of said county, whose term of office shall continue until the first day of January, one thousand eight hundred and seventy-four and until his successor is elected and qualified, and who shall hold his office and reside at the county seat. There shall be chosen by the qualified electors thereof at the judicial election to be holden in the year eighteen hundred and seventy-three, and every four years thereafter, a County Judge for Ventura County, whose term of office shall commence on the first Monday of January succeeding his election, and continue for the term of four years. Said County Judge of Ventura County shall receive a salary of one thousand dollars per annum, to be paid quarterly. Said County Judge shall hold the Courts required by law to be held by County Judges. There shall be three regular terms of the County Court held in each year, said terms to commence on the first Monday in February, June, and October; *provided*, however, the County Judge may call and hold special terms of the Probate Court whenever public necessity may require. Said County Judge shall discharge all the duties required by law of County Judges in this State. Governor to appoint County Judge.
Election.
Salary.
Terms.

SEC. 5. There shall be an election held in the County of Ventura within sixty days from the time of the first meeting of the Commissioners. There shall be chosen at said election, by the qualified electors of said county, one District Attorney; one County Clerk, who shall be ex officio Auditor, Recorder, and Clerk of the Board of Supervisors, and ex officio Clerk of the County, Probate, and District Courts; one County Superintendent of Public Schools; one Sheriff, who shall be ex officio County Tax Collector; one County Assessor; one County Treasurer; one County Surveyor; one County Coroner, who shall be ex officio Public Administrator. Said county officers shall hold their respective offices until the first Monday in March, A. D. eighteen hundred and seventy-four and until their successors are elected and qualified. There shall be chosen at said election, by the qualified electors thereof, one Supervisor for each Supervisor district in said county, who shall hold their offices as follows: District Number One, until the first day of January, A. D. eighteen hundred and seventy three; District Number Two, until the first day of January, A. D. eighteen hundred and seventy-four; and District Number Three, until the first day of January, A. D. eighteen hundred and seventy-five; *provided*, that all Supervisors duly elected and qualified Supervisors of Santa Barbara County, residents of Ventura County, shall hold their office for the term provided by law, upon having duly qualified as township officers of Ventura County. There shall be chosen at said election, by the qualified electors thereof, two Constables and two Justices of the Peace for each township; *provided* however, that all Constables and Justices elected at the general and Judicial elections held in the year A. D. Election of Commissioners and county officers.
Supervisors

Constables
and
Justices of
the Peace.

eighteen hundred and seventy-one, residents of Ventura County, shall hold their offices for the time provided by law, upon having duly qualified as township officers of Ventura County for the respective townships in which they reside, as said townships are organized by the action of the Board of Commissioners provided for by this Act. The term of office of the Justice of the Peace and Constables of Ventura County shall be the same as in other counties in this State.

To perfect
organi-
zation of
county and
duties of
Commis-
sioners.

SEC. 6. The Governor shall, when this Act takes effect, appoint five persons, residents of the proposed county, who shall be and constitute a Board of Commissioners to perfect the organization of the said County of Ventura, a majority of whom shall constitute a quorum. Said Commissioners shall meet in the Town of San Buenaventura within twenty days after their appointment, and after being duly sworn to faithfully discharge their duties as prescribed by this Act, shall organize by electing from their number a President and Clerk. They shall then divide said county into three townships, define their boundaries, and designate the name of each. They shall also divide said county, by townships, into three Supervisor districts, and number the same. They shall also establish election precincts, and appoint one Inspector and two Judges of Election for each precinct in said county. They shall give thirty days notice, by proclamation in some newspaper published in the county; or if there be no newspaper published in Ventura County, then said publication to be made in some newspaper published in the County of Santa Barbara, of the officers to be elected, the precincts established; and the officers of election of each shall also designate the boundaries of each district, with their names or numbers; also, bounds and number of each Supervisor district. Said Commissioners shall, on the second Monday after said election, meet at the county seat as a Board of Canvassers, and proceed to canvass the election returns. Said Commissioners, their President and Clerk, are hereby authorized and required to discharge the same duties as are now required by law of Boards of Supervisors and County Clerks in the counties in this State, so far as the same applies to holding elections, canvassing election returns, and issuing certificates of election. They shall keep a full record of all their proceedings, and file the same with the original election returns in the County Clerk's office, as soon as he shall have been qualified, and thereupon the powers and duties of said Commissioners shall cease and terminate.

Super-
visors,
duties of.

SEC. 7. It shall be the duty of the Board of Supervisors of Ventura County, whose election is by this Act provided for, to meet at the county seat on the first Monday of the month subsequent to their election and qualification, and elect the member from District Number One Chairman. They shall then allow such per diem and mileage to the Commissioners and officers of election as they may think proper and just; and such allowance shall be paid by a warrant drawn in favor of each by the proper officers. Said Board, or majority of them, shall then appoint two freeholders, residents of Ventura County, to act as a Board of Commissioners, whose duty it shall be to meet a like number of Commissioners, appointed by the Board of Supervisors of

Santa Barbara County, at a time and place agreed upon. Such joint Commissioners shall then organize by appointing from their number a President and Secretary, and shall immediately proceed to determine the indebtedness of said county at the time when this Act takes effect. After ascertaining the total amount of indebtedness, they shall ascertain the total market value of the assets belonging to the county under consideration. They shall also ascertain the assessed value under the assessment of eighteen hundred and seventy-one of the property in the territory hereby set apart to form Ventura County. Then, after deducting the total value of assets from the total amount of indebtedness, so as to ascertain the actual indebtedness, the proportion due from the County of Ventura shall be ascertained as follows: As the total assessed value of property in the territory taken from Santa Barbara County to form Ventura County is to the total assessed value of said county, so shall be the proportion of the actual indebtedness of Ventura County to Santa Barbara County; and when so ascertained said Commissioners shall certify to their respective Boards of Supervisors such amount. The Board of Supervisors of Ventura County shall then cause to be issued the bonds of Ventura County, payable in five years from the organization of said county, to the County of Santa Barbara, for such sum as the Commissioners certify to be due, bearing the same rate of interest as the County of Santa Barbara is now paying on such debt. Said Board of Supervisors shall procure and provide a suitable place or places to be used as a Court House and Jail, and for the accommodation of the various county officers. They shall then, in accordance with the general laws governing Boards of Supervisors, levy State and county taxes; *provided*, that for the General Fund they shall have power to levy not exceeding eighty cents on each one hundred dollars of taxable property in said county. They shall also levy a tax of ten cents upon each one hundred dollars of taxable property in said county, which shall be collected as other State and county taxes are collected; and when so collected the same shall be set apart pro rata as a Sinking Fund to liquidate the debt due from Ventura County to the County of Santa Barbara, effected by the creation of Ventura County; and when there shall be five hundred dollars or more placed to the credit of said County of Santa Barbara it shall be the duty of the Board of Supervisors of Ventura County to draw upon their own order such sum and purchase the warrants of said County of Santa Barbara; and upon presentation to the Treasurer of the County of Santa Barbara he shall surrender a like amount of Ventura County bonds; said bonds shall then be canceled and on their face countersigned by the Chairman of the Board of Supervisors and filed in the Clerk's office. Said Board of Supervisors shall exercise such other powers and duties as are conferred by the general laws on Boards of Supervisors in the counties of this State. The levy of taxes for the first year shall be as effective as if levied at the time provided in the general law.

SEC. 8. All civil actions, or proceedings in the nature of actions, whether original or upon appeal, civil or criminal, which

Transfer of actions. shall be pending in the District Court, County Court, or Probate Court, in the County of Santa Barbara, at the time of the organization of Ventura County, in which the defendants are residents of Ventura County, shall be removed for trial and final determination to the proper Courts of Ventura County on motion of any party interested; *provided*, that all actions commenced for the collection of taxes and licenses shall not be removed from the Courts of Santa Barbara County; *provided*, further, that in all criminal causes, where the offense was committed within the present limits of Ventura County, upon the application of the District Attorney of Ventura County, said causes shall be removed to Ventura County.

Transcript of records. SEC. 9. All residents or property holders of the County of Ventura, upon application to the County Recorder of the County of Santa Barbara, and upon the payment of the fees required by law, shall be entitled to receive a transcript of the record, duly attested, of any property situated in the County of Ventura, and recorded in his office; and upon presentation of said transcript to the County Recorder of Ventura County, and upon the payment of the fees required by law, said County Recorder shall record the same, and said record shall have the full force and effect of the original record; *provided*, however, the Board of Supervisors of Ventura County shall, within two years, procure a suitable set of books, and make such arrangements as they may agree upon with the County Recorder of Santa Barbara County for transcribing therein all necessary records, properly certified; said records to have the same effect and force of the original records; *provided*, that the expense of such records shall not exceed the sum of four thousand dollars.

Senatorial and Judicial District. SEC. 10. The County of Ventura shall be attached to and form a part of the Third Senatorial District, and for judicial purposes shall be attached to and form a part of the First Judicial District. The terms of the District Court shall be held in and for the County of Ventura on the first Monday of March, July, and November of each year.

Election of county officers. SEC. 11. The county officers of Ventura County shall, except as otherwise provided by this Act, be elected at the same time as county officers in other counties of this State, and shall hold their offices for the term fixed by law. They shall give bonds for the faithful discharge of their duties, to be approved by the County Judge, in the following sums: Sheriff, in the sum of six thousand dollars; as ex officio County Tax Collector, in the sum of fourteen thousand dollars; the County Clerk and ex officio the Recorder and Auditor, in the sum of five thousand dollars; the Assessor, in the sum of five thousand dollars; the County Treasurer, in the sum of twenty thousand dollars; the County Surveyor, in the sum of two thousand dollars; the Coroner and ex officio Public Administrator, in the sum of five thousand dollars. The Supervisors of Ventura County shall provide for the election of their successors, whose term of office shall be three years.

Duties. SEC. 12. All officers provided for by this Act shall perform duties as required by the general laws of the State, unless otherwise provided by this Act.

SEC. 13. The Supervisors of Ventura County shall receive for their services four dollars per day and twenty-five cents per mile in coming to the county seat; *provided*, that for the year A. D. eighteen hundred and seventy-three, and every year thereafter, the per diem and mileage of any one Supervisor shall not exceed the sum of two hundred dollars. Compen-
sation of
Supervisors

SEC. 14. The officers of Ventura County shall receive the following salaries and fees: The Treasurer shall receive per annum the sum of six hundred dollars; the Assessor shall receive per annum the sum of six hundred dollars; the District Attorney the sum of five hundred dollars; the Superintendent of Public Schools the sum of three hundred dollars. The fees of all other officers shall be the same as is provided for in an Act to regulate fees of office, approved March fifth, A. D. eighteen hundred and seventy, for similar officers in the County of Santa Barbara. Salaries
and fees.

SEC. 15. Ventura County shall be entitled to five Notaries Public as provided for by law. Notaries.

SEC. 16. The Superintendent of Public Schools of the County of Santa Barbara shall furnish the Superintendent of Public Schools of Ventura County a certified copy of the last census lists of the different school districts in the territory set apart to form Ventura County, and shall draw his warrant on the Treasurer of Santa Barbara County in favor of the Superintendent of Schools of Ventura County for all money that is or may be due by apportionment, or otherwise, to the different districts (school) of Ventura County. Superin-
tendent of
Public
Schools.

SEC. 17. All delinquent taxes due the County of Santa Barbara at the time this Act takes effect from the persons or property in Ventura County, shall be paid to and collected by the proper officers of Ventura County, and the Auditor of Santa Barbara County shall certify such delinquent taxes and tax list in duplicate to the Collector and Auditor respectively of Ventura County; they shall be collected by the officers of Ventura County in the same manner as delinquent taxes are collected in the other counties of the State. Delinquent
taxes.

SEC. 18. The Supervisors may issue Ventura County bonds in a sum not to exceed in the aggregate twenty thousand dollars, bearing interest not to exceed ten per cent per annum, payable in ten years from the date of their issuance; the principal and interest of said bonds to be paid in the gold coin of the United States, and may negotiate the same to provide a cash fund to be used in the payment of the first expenses of the county and the salaries of its officers. After the issuance of said bonds no debt shall be created by the County of Ventura in excess of the amount of money in the Treasury of said county. County
bonds.

SEC. 19. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed. Repealing.

SEC. 20. This Act shall take effect and be in force from and after the first day of January, eighteen hundred and seventy-three.

CHAPTER CCCLII.

An Act to regulate fees of office and salaries of officers in San Bernardino County.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees and salaries.

SECTION 1. Fees and salaries shall be allowed to the officers of San Bernardino County hereinafter named, for their services rendered in discharging the duties imposed on them by law as herein provided; and such officers may lawfully charge, demand, and receive the same, to be applied as hereinafter provided, in gold and silver coin of the United States; and all costs recovered in any suit or proceedings shall be paid in gold and silver coin.

SEC. 2. No fees or other compensation shall be charged or received for certificates of declaration to become a citizen of the United States and for making a record thereof, or for issuing a certificate of citizenship to become a citizen of the United States, or for making a record thereof.

FEES OF CLERK OF THE DISTRICT COURT.

Clerk of District Court.

SEC. 3. At the commencement of each suit the Clerk shall be entitled to demand and receive from the plaintiff, in addition to the Judge's docket fee, as prescribed by law, not to exceed the sum of ten dollars, to cover costs to the time of judgment, and from the defendant three dollars, to cover costs for the same time; if in the progress of the action the sums allowed the Clerk should be insufficient he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action shall be returned by the Clerk to the party who advanced them, on demand.

Same.

SEC. 4. The Clerk of the District Court shall receive for entering each suit on the Clerk's register of actions and for making the necessary entries therein during the progress of the suit and of the trial and subsequent proceedings, for each folio, twenty-five cents; for issuing every writ or process under seal, fifty cents; for issuing each subpoena for one or more witnesses, twenty-five cents; for filing each paper, fifteen cents; for entering every motion or order, rule, default, discontinuance, dismissal, or nonsuit, twenty-five cents; for entering every cause on the calendar and making a copy thereof for the bar for each term of the Court, fifty cents; for calling and swearing every juror to try cause, fifty cents; for receiving and entering each verdict of a jury, fifty cents; for entering every final judgment, for the first folio, fifty cents; for each subsequent folio, twenty-five cents; for making up and filing judgment roll, twenty-five cents; for entering judgment on judgment docket, twenty-five

cents; for entering satisfaction or credit on judgment docket, Same. fifty cents; for administering any oath or affirmation and certifying the same, twenty-five cents; for copy of any proceeding, record, or paper, per folio, twenty cents; for every certificate under seal, fifty cents; for issuing every commission to take testimony, fifty cents; for writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), twenty cents; for issuing every execution or other final process under seal, fifty cents; for copy of every decree or order of sale of mortgaged property, for each folio, twenty cents; for receiving and filing every remittitur from Supreme Court and accompanying papers, fifty cents; for taking and approving each undertaking or bond and for taking justification thereto, fifty cents; for taking testimony on justification to undertaking or bond, for each folio, twenty cents; for taking acknowledgment of deed or other instrument, to include all writing and the seal for the first name thereto, fifty cents; for each additional name, twenty-five cents; for indexing each suit in the general index of the Court as required by law, fifty cents; for filing and entering papers on transfer of cases from other Courts, including indexing, two dollars; for transmission of files or transfer of cases to other Courts, including certificate of order of transfer, one dollar and fifty cents; for searching records or files of each year, except for suitors or their attorneys, fifty cents. When the Court is sitting as a Court of criminal jurisdiction the Clerk shall receive, for the trial of each issue, five dollars. He shall receive no other fees in a criminal action or proceeding, except twenty cents per folio for copies of papers, and also, twenty cents per folio for writing down testimony of witnesses on trial, when so ordered by the Court, all which criminal business shall be charged against the county.

FEES OF CLERK OF COUNTY COURT.

For filing all papers on appeal from Justices' Courts, for each case, one dollar and fifty cents. When the Court is sitting as a Court of criminal jurisdiction, he shall receive, for the trial of each issue where the charge is misdemeanor, three dollars, and where the charge is felony, five dollars. He shall receive no other fees in a criminal case, except for copies of papers, per folio, twenty cents, and for taking down testimony during a trial, when ordered by the Court, for each folio, twenty cents, all of which criminal business shall be a charge upon and paid by the county. For all other services he shall receive the same fees as are allowed the Clerk of the District Court for like services.

FEES OF CLERK OF PROBATE COURT.

For issuing letters testamentary, or of administration, or of guardianship, fifty cents; for writing and posting each notice required, twenty-five cents; for each notice for publication, in addition to the cost of publication, twenty-five cents; for recording wills or other papers required by law to be recorded, for each folio, twenty cents; for all other services, the same fees as

are allowed the Clerk of the District Court for like services. No fees shall be allowed the Probate Judge.

FEEES OF COUNTY CLERK.

County
Clerk.

For issuing each marriage license, one half to be paid to the County Recorder, two dollars; for recording official bonds and other papers required by law to be recorded, for each folio, twenty cents; for indexing same, twenty-five cents; for recording the testimony and commitment upon examination of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, per folio, twenty cents; for filing and indexing all papers to be kept by him and not required to be recorded, twenty-five cents; for issuing any license required by law, one dollar; for all services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services; for services under the Registry Act, the fees in said Act provided.

FEEES OF COUNTY RECORDER.

County
Recorder.

For recording every instrument, paper, or notice, for each folio, twenty cents; for indexing every instrument, paper, or notice, twenty-five cents; for copies of any record or paper, per folio, twenty cents; for filing every instrument for record and making the necessary entries thereon, twenty-five cents; for each certificate under seal, fifty cents; for every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, fifty cents; for searching records or files in his office for each year, when required, fifty cents; for abstract of title, for each conveyance or incumbrance certified, fifty cents; for recording every plat or map, for each course, ten cents; for figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars; for taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents; for recording marriage licenses and certificates, to be paid by the Clerk, one dollar; for recording transcript and for all other services in estray cases, one dollar; for recording each mark or brand, seventy-five cents; for administering oath or affirmation, twenty-five cents; for certifying same, twenty-five cents; for filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents; for all other services not herein enumerated, the same fees as are allowed the Clerk of the District Court for like services.

SALARY OF COUNTY CLERK.

Salary,
County
Clerk.

SEC. 5. The County Clerk, to include all services rendered as ex officio Recorder, Auditor, Clerk of the Board of Supervisors, Equalization, and Canvassers, and to include the pay of deputies and clerk hire, shall receive the fees, commissions, percentages, and salaries provided in this Act, to the amount of

three thousand dollars per annum; *provided*, that if in any year said fees, commissions, percentages, and salaries allowed by this Act to said County Clerk as ex officio Recorder, Auditor, Clerk of the Board of Supervisors, Equalization, and Canvassers, shall exceed three thousand dollars, said Clerk shall pay the surplus over three thousand dollars to the County Treasurer for the use of the County General Fund.

FEES OF SHERIFF.

SEC. 6. In the County of San Bernardino the Sheriff shall ^{Sheriff.} receive the fees hereinafter specified: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar; for serving an attachment on property or levying an execution, or executing an order of arrest or order for the delivery of personal property, two dollars; for serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, three dollars; for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution or other process, such sum as the Court shall order; *provided*, that not more than three dollars per diem shall be allowed to a keeper; for taking bond or undertaking in any case in which he is authorized to take the same, one dollar; for copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents; for serving every notice, rule, or order, one dollar; for advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar; for serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant, three dollars; for holding each inquest or trial of right of property, to include all service in the matter, except mileage, three dollars; for serving a subpoena, for each witness summoned, fifty cents; for traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in executing a writ of habeas corpus; *provided*, that if any two or more papers be required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged to the most distant points to complete such service; for each mile necessarily traveled, in going only, thirty cents; for commissions for receiving and paying over money on execution or other process, when lands or personal property have been levied on and sold, on the first one thousand dollars, two per cent; on sums above that amount, one and one half per cent; for commissions for receiving and paying over money on execution without levy, or where the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one half per cent, and one per cent on all over that sum. The fees herein allowed for the levy of an execution,

Sheriff.

costs for advertising and percentage for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be made; for drawing and executing a Sheriff's deed, to include the acknowledgement, exclusive of stamps, to be paid by the grantee before delivery, three dollars; for executing a certificate of sale, exclusive of the filing and recording of the same, one dollar; for attending, when required, on any Court of record, in person or by deputy, for each day, to be paid out of the County Treasury, three dollars; for making every arrest in a criminal proceeding, two dollars; for summoning a Grand Jury of twenty-four persons, eight dollars; for summoning a trial jury of twelve persons or less, four dollars; for summoning each additional juror, twenty-five cents; for executing every sentence of death, forty dollars; for every mile necessarily traveled in executing any writ, in any criminal case, twenty cents; for delivering a prisoner at the State Prison, fifty cents per mile, one way, for the distance established by law from the county seat to the prison; and for each additional prisoner taken at the same time, twenty-five cents per mile; for delivering an insane person at the asylum, fifty cents per mile, one way, for the distance established by law from the county seat to the asylum; and for every additional insane person taken at the same time, twenty-five cents per mile; for conveying a prisoner, when under arrest, the necessary expenses incurred in the transportation.

Ex officio
Tax
Collector.

SEC. 7. The Sheriff shall be ex officio Tax Collector of property taxes, business licenses. The Sheriff, as ex officio Tax Collector of the taxes herein specified, shall execute a bond in the same amount and conditioned the same as required by law for County Tax Collectors; said bond to be in addition to the bond he is required to execute as Sheriff.

SEC. 8. The mileage allowed by this Act to the Sheriff, shall belong to and be collected and retained by him for his own use and benefit. In addition to said mileage and percentage, he shall receive, to include the pay of deputies and Jailer, the fees, commissions, and percentage provided in this Act for his services as Sheriff, and the percentage herein allowed for the collection of property taxes and business licenses, to the amount in the aggregate of thirty-eight hundred dollars per annum, which shall be in full compensation for all services rendered by him or his deputies or assistants as Sheriff and ex officio Tax Collector; and any excess over thirty-eight hundred dollars which he may receive in any one year from said fees, commissions, and percentage allowed him by this Act to collect for his services as Sheriff, and the percentage allowed him as ex officio Tax Collector for collecting property taxes and business licenses, he shall pay over to the County Treasurer, for the use and benefit of the County General Fund.

FEES OF TAX COLLECTOR.

SEC. 9. The Tax Collector of the County of San Bernardino shall receive fifteen per cent of the amount collected on State poll tax receipts; and for the collection of State and county

taxes, except taxes for school purposes, he shall receive six per cent on the first ten thousand dollars collected, four per cent on all over ten thousand and under twenty thousand dollars, and two per cent on all over twenty thousand dollars. The said Tax Collector shall also receive one dollar for each business license sold, one half of which shall be paid to the County Auditor. No percentage shall be allowed for collection of taxes for school purposes. There shall be allowed by the State to the county ten per centum on all moneys payable into the State Treasury derived from the sale of business licenses, in full for all expenses which may be incurred for collecting such licenses.

CLERK OF BOARD OF SUPERVISORS.

SEC. 10. In the County of San Bernardino the Clerk of the Board of Supervisors, Board of Equalization, and Board of Canvassers shall receive a salary of three hundred dollars per annum. In addition to the above salary said Clerk shall be allowed to demand and receive for issuing each bridge or ferry license, one dollar; for copy of any record or paper, per folio, twenty cents; for each certificate, fifty cents.

SEC. 11. There shall be allowed by the State to the County of San Bernardino, in lieu of all allowances for salaries and fees authorized by law to be made by the State to the Auditor of the said county, and for all services for copying assessment rolls and extending the totals of taxes thereon, the following amounts or percentage on the amount of State revenue derived from taxes on real and personal property and paid into the State Treasury during any fiscal year; for Auditor's compensation, on the first ten thousand dollars, two per centum; on all sums over ten thousand dollars and less than twenty thousand dollars, one and one half per centum; on all sums over twenty thousand dollars and less than fifty thousand dollars, one per centum; on all sums over fifty thousand dollars, three fourths of one per centum.

COUNTY AUDITOR.

SEC. 12. The County Auditor shall receive, as full compensation for all services required to be performed by him by law as County Auditor, the following amounts or percentage on all moneys which shall be paid into the Treasury during any fiscal year; on the first twenty thousand dollars, two per centum; on all sums over twenty thousand dollars and less than forty thousand dollars, one and one half per centum; on all sums over forty thousand dollars and less than sixty thousand dollars, one per centum, and on all sums over sixty thousand dollars, one half of one per centum; *provided*, that he shall not receive any percentage on moneys paid into the County Treasury for school purposes. The compensation of the County Auditor shall be allowed by the Board of Supervisors quarterly.

SEC. 13. The County Treasurer of San Bernardino County shall receive an annual salary of five hundred dollars, which amount shall be in full compensation for all services except mileage, and all commissions received from the State and county

and all other sources, except mileage, shall be paid into the General Fund of the county.

Repealing. SEC. 14. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 15. This Act shall take effect from and after its passage.

CHAPTER CCCLIII.

An Act concerning roads and highways in Sonoma County.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Highways. SECTION 1. Highways are roads, streets, or alleys, and bridges, laid out or erected by the public, or if laid out or erected by others, dedicated or abandoned to the public.
- Same. SEC. 2. Roads laid out and recorded as highways by order of the Board of Supervisors, and all roads used as such for a period of five years, are highways. Whenever any corporation owning a toll bridge, or a turnpike, plank, or common wagon road, is dissolved, or discontinues the road, or has expired by limitation, the bridge or road becomes a highway.
- SEC. 3. A road not worked or used for the period of five years ceases to be a highway for any purpose whatever.
- Records. SEC. 4. The Clerk of the Board of Supervisors must keep a book in which must be recorded separately all proceedings of the Board relative to each road district, including orders laying out, altering, and opening roads, and in a separate book, a description of each road district, its Overseer, its roads, highways, contracts, and all other matters pertaining thereto.
- Right of way. SEC. 5. By taking or accepting land for a highway the public acquires only the right of way, and the incidents necessary to enjoying and maintaining it. All trees within the highway, except only such as are requisite to make or repair the road or bridges on the same land, are for the use of the owner or occupant of the land.
- Sidewalks. SEC. 6. Any owner or occupant of land may construct a sidewalk on the highway along the line of his land, subject, however, to the authority conferred by law on the Board of Supervisors and the Overseers of highways, and any person using such sidewalks with horse or team, without permission of the owner, is liable to such owner or occupant in the sum of five dollars for each trespass, and for all damages suffered thereby.
- Planting of trees. SEC. 7. Any owner or occupant of land adjoining a highway not less than three rods wide, may plant trees on the side contiguous to his land. They must be set in regular rows, at a distance of at least six feet from each other, and not more than six feet from the boundary of the highway. If the highway is more than six rods wide, the rows must not be less than six nor

more than twelve feet from the boundary of the highway. Whoever injures any of them is liable to the owner or to the occupant for the damage which is thereby sustained, and is guilty of a misdemeanor.

SEC. 8. Every gaslight, water, or railroad corporation has the power to lay conductors and tracks through the public ways and squares in any city, village, or town, when it is established, with the consent of the municipal authorities thereof, and under such reasonable regulations as they may prescribe. Privileges of corporations.

SEC. 9. The Board of Supervisors are authorized and required:

First—To divide the county into a suitable and convenient number of road districts, which shall conform to township lines as far as practicable, and appoint annually, or whenever vacancies occur, Overseers therefor, with power to remove them at pleasure. Road districts.

Second—To cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are necessary for public convenience, as in this Act provided. Surveys.

Third—To cause to be recorded as highways such roads as have become such by usage or abandonment to the public.

Fourth—To abolish or abandon such as are unnecessary.

Fifth—To contract, agree for, purchase, or otherwise acquire the right of way over private property for the use of public highways, and for that purpose institute or require the District Attorney to institute proceedings under the law regulating the exercise of the power of eminent domain, and to pay therefor from the District Road Fund of the particular district. Right of way.

Sixth—To let out by contract the improvement of highways and the construction and repair of bridges, or other adjuncts to highways, when the amount of work to be done by contract exceeds one hundred dollars. Contracts.

Seventh—To levy a property tax not exceeding fifty cents on each one hundred dollars of taxable property each year, to be assessed and collected at the same time and manner and by the same officers as other taxes are assessed and collected, for the use of the road districts respectively from which the same is collected. Property tax.

Eighth—To direct the number of days work which each male inhabitant who is over the age of twenty-one and under fifty years of age must perform annually in each road district, under order of the Overseer thereof. Labor.

Ninth—To order and direct Overseers specially in regard to work to be done on particular roads in their districts. Overseers.

Tenth—To cause to be erected and maintained on the highway guideposts properly inscribed. Guideposts.

Eleventh—To cause the road tax collected each year to be apportioned to the road districts entitled thereto, and kept by the Treasurer in separate Funds. Collection.

Twelfth—To audit and draw warrants on the Funds of the respective road districts when required to pay for right of way, or work, or improvements thereon. Claims.

Road
districts.

SEC. 10. The road districts must be carefully and distinctly defined and described, and designated by the municipal towns or townships. Until such division is made the road districts of the County of Sonoma must continue as they are at present defined. Road districts may be altered, changed, created, or modified by the Board of Supervisors as occasion requires.

Overseers.

SEC. 11. Overseers of road districts receive notice of their appointment from the Clerk of the Board of Supervisors, and within ten days thereafter must give the official bond required by the Board of Supervisors in the order of appointment or confirmation, and take the usual oath of office. The notice and certificate that the bond has been filed and oath taken indorsed thereon, or a certified copy thereof, constitute a commission, and authorizes the person named in and holding the same to discharge the duties of Overseer until superseded.

Duties of
Road
Overseers.

SEC. 12. Road Overseers must:

First—Take charge of the public highways within their respective districts.

Second—Keep them clear from obstructions and in good repair.

Third—Cause banks to be graded, bridges and causeways to be made where necessary, to keep the same in good repair and renew them when destroyed.

Fourth—To give three days notice to the inhabitants of his road district liable to do work on roads, when, where, and under whose direction to work, and superintend the same.

Fifth—To collect from each inhabitant notified to work and who fails to work, or prefers to pay the commutation fee or the lien road poll tax when levied.

Sixth—To make semi-annual reports of all labor performed in his district, and how all road poll tax and commutation moneys were expended, to the Board of Supervisors, under oath.

Seventh—Receive and present petitions for new roads, recommend or disapprove the same, and assist in laying them out.

Eighth—Sue for or otherwise, in the mode provided for the collection of poll taxes, to collect all road poll taxes, commutations, and fines, and faithfully account for and pay over the same; *provided*, that inhabitants of incorporated cities shall not be liable to pay a road poll tax or a labor tax except as prescribed in their Acts of incorporation.

Ninth—To pay over to his successor, or into the Fund of his road district in the hands of the County Treasurer, all moneys in his hands unexpended and reported as such.

Tenth—Receive for his services, from money coming into his hands belonging to his road district, the sum of three dollars for each day's services performed by him, to be audited and allowed by the Board of Supervisors.

General
county
roads.

SEC. 13. From the road tax collected from all sources the Board of Supervisors may annually set apart a sum, not exceeding twenty per cent of the aggregate, for general county road purposes, from which they may direct such amounts to be paid as may be found necessary for such general road purposes in which the inhabitants of all the districts are more or less interested. The object of the appropriation must be specified in each order made therefor.

SEC. 14. Each Road Overseer must, within twenty days after being notified of his appointment and qualification, deliver to the Clerk of the Board of Supervisors a list of all taxable inhabitants of his district liable to work on roads, which list must be laid before the Board of Supervisors at their first meeting held thereafter. Ministers of the gospel, priests of every denomination, paupers, idiots, lunatics, and Indians are not taxable, and must not be listed. List of persons.

SEC. 15. The Board of Supervisors must each year, prior to the meeting at which they are required to levy the property tax for county purposes, from information derived from the Road Overseers or otherwise, estimate the probable amount of work in value, to be done in each road district, and regulate their annual levy of property and road poll tax or labor tax thereby. The property tax must be uniform throughout the county. The Board of Supervisors must at the same time fix a commutation fee for the labor tax of not less than one dollar and fifty cents, nor more than three dollars, for each day's labor assessed. Levy of taxes.

SEC. 16. Road Overseers must make out assessment lists for the respective road districts, for the labor assessment levied as provided in this Article, against each taxable inhabitant, and require of each the performance of the labor or payment of the commutation money, and apply the same upon the highways and adjuncts of his district. Road Overseers are to enforce and apply the labor, and pay the commutation money into the Road Fund of their respective districts. Assessment lists.

SEC. 17. Road Overseers must from time to time add the names of persons omitted and of new inhabitants, and rate them to work proportionate to the annual labor assessment, subject to an appeal to the Board of Supervisors. Additions.

SEC. 18. When labor road tax is levied it must specify the number of days labor to be performed annually by each inhabitant in their respective road districts, not less than one nor more than five, to be rendered under the supervision, and after notice by the Road Overseer of the district. When a road poll tax is levied throughout the county it must not exceed three dollars per capita annually, and road tax receipts must be prepared, signed by the Auditor and Treasurer of the county, and issued to the respective Road Overseers, who must collect the same in labor, or money and improvements performed, to be in their semi-annual reports fully set out. Specifications.

SEC. 19. The annual property tax for road purposes must be levied by the Board of Supervisors at their session when the tax is by them levied for county purposes, and must not exceed fifty cents on each one hundred dollars in value of taxable property. This property road tax, as also the road poll tax, when levied must be annually assessed and collected by the same officers and in the same manner as other State and county taxes are levied, assessed, and collected, and turned over to the County Treasurer for the use of the road districts from which it is respectively collected. Assessment and collection.

SEC. 21. Road Overseers must give at least forty-eight hours oral or written notice to all persons assessed and required to work within his district, of the time and place when and where they are to appear for that purpose, and with what Notice.

implements. No individual can be required to work out of the district in which he resides.

Sections
may be
assigned.

SEC. 22. On the recommendation of the Road Overseer the Board of Supervisors may at any time assign to any one or more residents, with his or their written consent, for a period not exceeding five years, a section of the highway through or adjoining his or their lands, the requisite highway labor on which will be equivalent to the highway labor which he or they would otherwise be required to perform, to be worked as a private road district.

Private
road
districts.

SEC. 23. When a private road district has been assigned and accepted, a statement thereof in writing, describing the roads to be worked and the road district, the time for which, and the names of the persons to whom the same is assigned, their consent and signatures thereto, which statement must be filed with the Clerk of the Board of Supervisors. Thereafter such persons must keep in order the highways in such private district, and work thereon when required by the Road Overseer, and meanwhile are not liable to work on the highways of the same or any other public road district.

Penalty for
neglect.

SEC. 24. If the person to whom such private road district is assigned neglects to put or keep the same in good repair, or to work thereon within a reasonable time after being required so to do, the person so neglecting incurs a penalty of ten dollars, recoverable in an action therefor by the Road Overseer for road purposes; and after any such recovery the private road district is discontinued, and becomes a part of the public road district of which it was originally a portion, and those to whom it was assigned must thereafter work on the proper public district.

Credits.

SEC. 25. The Road Overseer must credit persons living on a private road and working the same so much on account of their assessments as they may necessarily work the same, or they may annex it to some highway district.

Neglect by
Overseer.

SEC. 26. When the Overseer of the district neglects for a year to open or to cause necessary work to be done on any part of a road that has been duly laid out and title thereto acquired, any of the residents desiring to apply the whole or any part of their highway labor to working it may give the Road Overseer ten days notice thereof, and such residents are thereupon assigned to such road, and their labor may be applied thereto, and the road must be put in good order within a year, under the direction of such resident as the Road Overseer appoints, or, if he fails to appoint, then whoever the residents select. When the assessed labor is insufficient to open or put in good order such road, they may anticipate, in whole or in part, the labor of two years; but no more than half the labor of any district assessed for any year can be so applied; nor can such labor be applied to any road out of the district in which such residents are living, unless to open or repair a road leading to or from such road district.

Anticipa-
tion.

SEC. 27. The residents of any highway district may grade, gravel, or plank the highways in their district by anticipating the labor of the district for not exceeding three years, and applying it to the immediate construction of such plank or gravel highways; and after the completion thereof are exempted

from the labor so anticipated, except so far as may be necessary to keep such highways in repair.

SEC. 28. Any resident other than an Overseer may commute his assessed highway labor, or a part of it, at the rate fixed by the Board of Supervisors, to be paid to the Overseer of his district within the forty-eight hours notice to work the road. Commu-
tation.

SEC. 29. Corporations or other employers of residents in any highway district are responsible for the highway labor or road poll tax assessed against their employes, and a notice to the Overseer or managing agent directing the labor of the employes or the payment of the road poll tax charges such employer or corporation with such road poll tax, labor, or commutation money. Employers
responsible

SEC. 30. The Overseer may require a team and wagon or a cart or plow, and a man to manage them, from any person in his district who has been assessed three days or more and does not commute; and such person is entitled to a credit of three days for each day's service therewith. Animals
and
implements

SEC. 31. Each person appearing must actually work eight hours each day, to be credited to him by the Overseer. Every hour unnecessarily lost or idled away he must be charged two hours for, to be worked out on some other day under notice from the Overseer. Any person may work by an able-bodied substitute. A day's
work.

SEC. 32. Every person receiving due notice who does not appear and labor or commute is liable to a penalty of three dollars for each day's neglect. If he was required to furnish implements or assistance he is liable to the following penalties for each day's neglect. Penalties
for neglect.

First—Wholly omitting to comply, three dollars.

Second—Omitting to furnish cart, wagon, or plow, one dollar.

Third—Omitting to furnish a pair of oxen or horses, one dollar.

Fourth—Omitting to furnish a man to manage the team, one dollar.

Fifth—Omitting to furnish a man, one dollar per day.

SEC. 33. Within five days after any person incurs a penalty under this Article, unless a satisfactory excuse is rendered to him, the Overseer must make complaint on oath to a Justice of the Peace of the township. Complaint.

SEC. 34. On receipt of the complaint the Justice must issue a summons, requiring the delinquent to appear on a day to be therein named, at a place specified, to show cause why fines should not be imposed for the neglect complained of. The summons is served if a copy thereof is delivered to the delinquent or his employer, or left at his place of residence two days before the day set for the hearing. If on the day fixed no sufficient excuse or avoidance is shown, the Justice must impose the penalty, and by his warrant direct the levy and collection of the same, together with the costs. If no sufficient property is found whercof to levy the same, the officer must commit the delinquent to the County Jail until the same is paid, or he is detained one day for every two dollars of the unpaid fine and costs. All moneys collected by the Constable or other officer collecting the same must be paid into Court, and by the Justice Judgment
and
execution.

paid to the Road Overseer for the use of the district, in working roads therein.

Offsets. SEC. 35. Penalties paid in for neglect to work, are a setoff against assessments on which they are founded, at the rate of two dollars per day.

Accepted excuses. SEC. 36. The Overseer's acceptance of an excuse for a neglect in no case exempts the person excused from performing or commuting for the whole number of days work for which he was assessed.

Semi-annual reports of Overseers. SEC. 37. Every Overseer must make to the Board of Supervisors, semi-annually, a verified written account containing:

First—The names of all persons assessed to work in his district.

Second—The names of all who have actually worked, and the number of days.

Third—The names of all who have been fined, and the amounts thereof.

Fourth—The names of all who have commuted, and the amount thereof.

Fifth—If commutation receipts have been received and sold, the amount thereof.

Sixth—The names and amount of all commutation money and fines he has expended.

Seventh—A description of the repairs, work, and labor done, and improvements made, and the general condition of his district.

Special reports. SEC. 38. The Board of Supervisors may require special reports from Road Overseers, when deemed proper, showing all the facts relative to their several road districts.

Moneys. SEC. 39. The Overseers must accompany their reports with all unexpended moneys remaining in their hands at the date of report, and a statement of all moneys in the County Treasury to the credit of their road districts.

Failure to report. SEC. 40. For a failure to make report as required, or to pay over to the order of the Board of Supervisors any moneys in his hands, subjects the Overseer to a penalty of twenty-five dollars, to be recovered in an action on his bond, together with any balance due from him. Suit therefor may be instituted by the District Attorney, under order of the Board of Supervisors.

Petitions. SEC. 41. Any inhabitant of a road district, taxable therein for road purposes, may petition, in writing, the Board of Supervisors to alter or discontinue any road, or to lay out a new road therein.

Details. SEC. 42. The petition must set forth and describe particularly the road to be abandoned, discontinued, altered, or constructed, and the general route thereof; over what lands, and who the owners thereof are; whether the owners consent thereto; and if not, the probable cost of the right of way; the necessity for and the advantages of the proposed change, and must be signed by ten or more of the persons authorized to petition therefor.

Action upon petitions. SEC. 43. The Board of Supervisors may order any road to be altered or discontinued on such petition, indorsed and recommended by the Overseer of the district, or without such recommendation, if deemed necessary; and thereafter, such road so

ordered to be discontinued or abandoned, and all alterations so directed must be made by the Overseer of the district, subject to the subsequent provisions of this Article.

SEC. 44. The Board of Supervisors must by order direct, and ^{Estimates.} in obedience thereto the Road Overseer must cause, a survey of any proposed alteration of an old or opening of a new road, to be made in accordance with the description in the petition, and submit to the Board an estimate of the cost of the change, alteration, or opening, including the purchase of the right of way, and his views of the necessity thereof. Whereupon the Board of Supervisors must appoint three Viewers, who, if necessary, may take to their assistance the County Surveyor, to view, map off, and lay out such alteration or new road.

SEC. 45. The Road Viewers must be disinterested citizens of ^{Road Viewers.} the county, but not petitioners; they must be sworn to discharge their duties faithfully; must view and lay out the proposed alteration or new road over the most practicable route; notify the owners of land over which it passes of the proposed route; ascertain whether the owners consent thereto, and the amount, if any, they claim or demand for the right of way over the same; estimate the actual damage to any land over which it passes, and the cost of any bridges or grading necessary; the necessity for, and public convenience to be subserved by, the road; and whether the opening thereof or change therein proposed should be had.

SEC. 46. When the review of the proposed alteration or new ^{Report of Viewers.} road is completed, the Viewers must report to the Board of Supervisors:

First—The course, termini, length, and cost of construction of the proposed road.

Second—The estimate of damage to the owner of any land over which it is proposed to run the road.

Third—The names of land owners who consent to give the right of way, and their written consent thereto.

Fourth—The names of land owners who do not consent, and the amount of damages claimed by each.

Fifth—Such other facts bearing upon the subject of importance to be known by the Board of Supervisors.

SEC. 47. No report of Viewers must, by the Board of Supervisors, be approved which, without the consent of the owner ^{Rejection of reports.} and occupant, runs the road:

First—Through an orchard of four years growth.

Second—Through a garden or yard four years cultivated.

Third—Through buildings or fixtures or erections for the purposes of residence, trade, or manufacture.

Fourth—Through inclosures necessary for the use or enjoyment of the buildings, fixtures, or erections; or

Fifth—Through inclosed or improved lands, unless the Board of Supervisors are satisfied, from personal examination and observation, or from the sworn statement of at least twelve respectable residents of the road district, that the opening of such road through such premises is an absolute necessity, a great public benefit, or a great convenience to a moiety of the inhabitants of the district.

Wages and fees. SEC. 48. The Viewers must be paid three dollars each per day for their services out of the Road Fund of the district through which the road passes; and the Surveyor his legal fees for services in running out and mapping the road and making the plat and field notes, which must be filed, when required, before he receives his compensation. No payments to be made till the services are certified to as necessary and actually performed by the Road Overseer of the district.

Notice to owners. SEC. 49. The Board of Supervisors, on the coming in of the report, must fix a day for hearing the same, must notify the owners of land not consenting to give the right of way of the hearing by having written notice served on them personally, or on the occupant, or agent of the owner, or if neither, by posting notice at the most conspicuous place on the lands, or left at the owner's, agent's, or occupant's residence ten days prior to the day fixed for the hearing; and must, on the day fixed or to which it may be postponed or adjourned, hear evidence and proof from all parties interested for and against the proposed alteration or new road, ascertain, and by order declare the amount of damage awarded to each non-consenting land owner, and declare the report of the Viewers to be approved or rejected. If the report is rejected, the road must not be altered or opened.

Award of damages. SEC. 50. If the Board approve the report, and there are no non-consenting land owners, the road must, by order, be declared a public highway, and the Road Overseer ordered to open the same to the public. If there are non-consenting land owners, the Board must appropriate from the Road Fund of the district, and cause the Road Overseer to tender to such non-consenting land owners, the award for damages made by the Board. If the awards are all accepted, the road must be declared a public highway, and be opened as before provided.

Suit to condemn. SEC. 51. If any award of damages is rejected by the land owners, the Board must, by order, direct proceedings to procure the right of way, to be instituted by District Attorney of the county under and as provided by law against all non-accepting land owners; and when thereunder the right of way is procured, the road must be declared a public highway, and opened as hereinbefore provided.

Agreements and contracts. SEC. 52. In all cases of altering old or laying out new roads, the Road Overseer may agree and contract for the right of way when the amount to be paid therefor does not exceed one hundred dollars. All awards, by agreement ascertainment by the Board or by the proper Court, must be paid out of the Road Fund of the district on the order of the Board of Supervisors. If the road lies in more than one district the Supervisors must proportionately divide the awards and other costs between them.

Width. SEC. 53. All highways must be at least fifty feet wide, except those now existing of a less width.

Private roads. SEC. 54. Private or by-roads may be opened for the convenience of one or more residents of any road district in the same manner as public roads are opened, whenever the Board of Supervisors may for like cause order the same to be viewed and opened the person for whose immediate benefit the same is

required by paying the damages awarded to land owners, and keeping the same in repair.

SEC. 55. In all cases where consent to use the right of way for a highway is voluntarily given, purchased, or condemned and paid for, either an instrument in writing conveying the right of way and incidents thereto signed and acknowledged by the party making it, or a certified copy of the decree of the Court condemning the same, must be made and filed and recorded in the office of the Recorder of the county, in which the land so conveyed or condemned must be particularly described. Recording of titles.

SEC. 56. Whenever highways are laid out to cross railroads, canals, or ditches on public lands, the owners or corporations using the same must, at their own expense, so prepare their roads, canals, or ditches that the public highway may cross the same without danger or delay, and when the right of way for a public highway is obtained through the judgment of any Court over any railroad, canal, or ditch, no damages must be awarded for the single right to cross the same. Crossings.

SEC. 57. When the alteration of an old or the opening of a new road makes it necessary to remove fences on land given, purchased, or condemned by order of a Court for road or highway purposes, notice to remove the fences must be given by the Road Overseer to the owner, his occupant or agent, or by posting the same on the fence; and if the same is not done within ten days thereafter, or commenced and prosecuted as speedily as possible, the Road Overseer may cause it to be carefully removed at the expense of the owner, and recover of him the costs of such removal, and the fence material may be sold to satisfy the judgment. Fences.

SEC. 58. All public bridges not otherwise specially provided for are maintained by the road district in which they are situate, the districts which they unite, and the county at large, in the same manner as highways, and under the management and control of the Road Overseers and Board of Supervisors, the expense of constructing, maintaining, and repairing the same being primarily payable out of the Road Fund of the district in the hands of the Road Overseer or County Treasurer, and from labor assessments. Bridges.

SEC. 59. Whenever it appears to the Board of Supervisors that any road district is or would be unreasonably burdened by the expense of constructing or maintenance and repair of any bridge, they may in their discretion cause a portion of the aggregate cost or expense to be paid out of the general Road Fund of the county, or out of the General County Fund, or both; or they may levy a special bridge tax therefor, not exceeding one fourth of one per cent on the taxable property of the county annually till the amount appropriated in aid is raised and paid. Special tax

SEC. 60. No bridge, the cost of the construction or repair of which will exceed the sum of one hundred dollars, must be constructed or repaired except on order of the Board of Supervisors. When ordered to be constructed or repaired, the contract therefor must be let out to the lowest bidder, after reasonable Limitation of cost.

notice given by the Board of Supervisors, through the Road Overseer, by publication at least two weeks in a county newspaper, and if none, then by three posted notices, one at the Court House, one at the point to be bridged, and one at some other neighboring public place; the bids to be sealed, opened, and the contract awarded at the time specified in the notice. The contract and bond to perform it must be entered into to the approval of the Board of Supervisors.

Default.

SEC. 61. If the Road Overseer of any road district, after five days' notice from the Overseer of an adjoining district to aid in the repair of a bridge in which each are interested, fail so to aid, the one giving notice may make the necessary repairs and be allowed a pro rata compensation therefor by the Board of Supervisors out of the Road Fund of the defaulting district.

Failure to repair.

SEC. 62. If the Overseer of any road district chargeable with the repair of a bridge fails to make the needed repairs after being informed that a bridge is impassable or unsafe, and is requested to make the same by two or more freeholders of the district in which it is situate, or the two districts which it unites, the freeholders may represent the facts to the Board of Supervisors, who, after five days' notice to the Overseer, must hear the proofs, and order the building or repair of such bridge as may be necessary to be done by the Overseers or the freeholders, and by contract, if necessary, and must pay therefor from the funds of the district chargeable therewith.

Costs.

SEC. 63. Costs of the proceedings under the preceding section may be adjudged against the Overseers or freeholders, whichever may be found at fault, and collected by the party in whose favor it is adjudged by suit. If the Overseer is adjudged to pay costs, it may be deducted from his pay as Overseer then or to become due, and for gross neglect of duty in such case the Supervisors may remove him from office.

Petition for repair or erection of bridge.

SEC. 64. When a bridge, the cost of the construction of which will exceed one hundred dollars, is badly needed, and the Road Overseers have neither constructed one or represented the facts to the Board of Supervisors, any five or more freeholders of the road districts interested therein may petition the Board of Supervisors for the erection of such needed bridge; the Board must thereupon advertise such application, giving the location and other facts for two weeks in a newspaper printed in the county; if none, then by posters, one at the proposed location, one at the Court House, and one at some other public place in the county, and notify the Overseer to attend at a certain time and place to hear the application.

Determination of Supervisors

SEC. 65. On the day fixed to hear the application, proof of the notice given being made satisfactory, the Board must hear the petition, examine witnesses, and determine whether or not a bridge is necessary as petitioned for; if found to be so, the Board must determine the character of bridge to be constructed, prepare plans and specifications, invite bids, let the contract, and have the same erected, and provide for the payment therefor as herein provided.

Bridge reports.

SEC. 66. The Road Overseers must, in their official reports, give a full account of all bridges of which they have, in whole or in part, the charge and maintenance, those constructed or

repaired, and the cost thereof, and the amounts, and from what source derived expended thereon, and the present and prospective condition thereof.

SEC. 67. The county is responsible for providing and keeping passable and in good repair bridges on all public highways, and the Supervisors must appoint semi-annually a special meeting, at which the Road Overseers, on days set apart for their respective districts to hear highway and bridge reports and complaints from officers and citizens, when such orders must be made and such action had regarding the same as public welfare demands. Special meetings.

SEC. 68. If any highway duly laid out or erected is encroached upon by fences, buildings, or otherwise, the Road Overseer of the district may make an order in writing, signed by him, requiring the encroachment to be removed from the highway. Encroachment.

SEC. 69. Notice must be served on the occupant or owner of the land, or person causing or owning the encroachment, or left at his place of residence if he resides in the county, if not it must be posted on the encroachment, specifying the breadth of the highway, the place and extent of the encroachment, and requiring him to remove the same within ten days. Warning.

SEC. 70. If the encroachment is not removed or commenced to be removed and diligently prosecuted prior to expiration of the ten days from the service or posting the notice, the one who caused or owns or controls the encroachment forfeits ten dollars for each day the same continues unremoved. Liability.

SEC. 71. If the encroachment is denied, and the owner, occupant, or person controlling the matter or thing charged with being an encroachment, refuses either to remove or to permit the removal thereof, the Road Overseer must commence in the proper Court an action to abate the same as a nuisance, and if he recovers judgment he may, in addition to having the same abated, recover ten dollars for every day such nuisance remained after notice, as also his costs in such action. Abatement of nuisance.

SEC. 72. If the encroachment is not denied, but is not removed for five days after the notice is complete, the Road Overseer may remove the same at the expense of the owner, occupant, or person controlling the same, and recover his costs and expenses, as also for each day the same remained after notice was complete, the sum of ten dollars, in an action for that purpose. Recovery of penalty.

SEC. 73. No gates must be allowed on any public highway duly laid out, except on highways running through lands subject to overflow to such extent as to remove the fences, without permission of the Board of Supervisors; when so allowed they must be erected and maintained at the expense of the owner or occupant at whose request or for whose benefit they were erected. If such expense is not paid, the gate to be removed as an obstruction. Gates.

SEC. 74. Any one who leaves open such gate, or willfully and unnecessarily rides over ground adjoining the road on which the gate is erected, forfeits to the injured party treble damages. Carelessness.

SEC. 75. Whoever obstructs or injures any highway, or obstructs or diverts any watercourse thereon, is liable to a penalty of five dollars for each day such obstruction or injury Obstructions.

remains, and must be punished as provided by law for misdemeanor.

Willful
injury.

SEC. 76. Whoever removes or injures any guidepost or any inscription on such, erected on any highway, is liable to a penalty of ten dollars for every such offense, and punishable as provided by law for misdemeanor.

Neglect to
remove
obstruction

SEC. 77. Any person may notify the occupant or owner of any inclosed land from which a tree or other obstruction has fallen upon any highway to remove such tree or obstruction within five days. If it is not so removed the owner or occupant is liable to a penalty of one dollar for every day thereafter till it is removed, and the cost of removal.

Felling of
trees.

SEC. 78. Whoever cuts down a tree on any land not occupied by him so that it falls into any highway, river, or stream, unless by the occupant's consent, forfeits to such occupant five dollars for every tree so felled, and one dollar for every day the same remains in such highway, river, or stream.

Five
dollars fine.

SEC. 79. The Road Overseers may put up on bridges under their charge notices that there is five dollars fine for riding or driving on this bridge faster than a walk; whoever thereafter rides or drives faster than a walk on such bridge is liable to five dollars for each offense.

Misde-
meanor.

SEC. 80. Whoever digs up, cuts down, or otherwise injures or destroys any shade or ornamental tree planted and standing on any highway, forfeits twenty-five dollars for each tree, and is guilty of a misdemeanor.

Forfeitures

SEC. 81. All penalties or forfeitures given in this Chapter and not otherwise provided for must be recovered by the Road Overseers of the respective road districts and be applied on the highways in which they are collected.

Bonds may
be issued.

SEC. 82. On the petition of a majority of those who pay road taxes of any character in any road district, the Board of Supervisors may by ordinance authorize the levy of any or all of the taxes authorized by this Act to be levied therein, and levy and have the same collected for the purpose of constructing a macadamized or plank road therein, and provide how the same shall be expended; and may on like petition create an indebtedness on the Road Fund of the district for the purpose of macadamizing roads in such district not exceeding five per cent of the taxable property of the district, and issue bonds of the road district therefor, payable within five years with eight per cent interest from their date till paid, and must annually levy a tax not exceeding one and one eighth of one per cent on the taxable property for the redemption of the bonds. The amount raised from the sale of the bonds to be applied only to macadamizing such roads as the Board of Supervisors direct.

Partial
repeal.

SEC. 83. An Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof, is hereby repealed, except as provided in section eighty-four; but the present Commissioner is authorized to discharge the duties and receive the compensation provided for under said Act until the expiration of his term.

SEC. 84. All the provisions of an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof, approved March eighth, one thousand eight hundred and sixty-six, except sections sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, and seventy, are hereby repealed. The above named sections, and the provisions of said above recited Act containing the office of the Commissioner of Roads and Highways, are hereby continued in force. If, however, the Act to be entitled an Act to establish a Code of Civil Procedure, prepared by the Code Commissioners and to be submitted at this session of the Legislature, becomes a law, then on the first day of January, one thousand eight hundred and seventy-three, the above recited sections, and the provisions relating to the Commissioner of Roads and Highways, are also repealed.

Partial
repeal.

The Civil
Code.

SEC. 85. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLIV.

An Act making an appropriation for deficiencies for the twenty-third fiscal year, ending the thirtieth day of June, eighteen hundred and seventy-two.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, to supply a deficiency in the appropriation for printing, paper, and official advertisements for the twenty-third fiscal year.

Deficiency
appropri-
ation.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCLV.

An Act to prevent hogs from running at large in the Towns of Susanville, Lassen County, Sutter Creek, Township Number Two, Amador County, and Oroville, Butte County.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Hogs
running
at large.

SECTION 1. From and after the passage of this Act it shall not be lawful for any owner or owners of any hog or hogs, or any person having the same in charge, to allow them to run at large within the limits of the town sites of Susanville, Sutter Creek, Township Number Two, and Oroville.

Penalty.

SEC. 2. If any owner or owners of any hog or hogs, or any person having the same in charge, shall permit the same, contrary to the first section of this Act, to run at large, it shall be lawful for any person to enter a complaint before any Justice of the Peace whose office is within the town where such hogs are found running at large, against the person or persons so offending, and any person convicted of violating the provisions of section one of this Act shall be fined for each and every such offense in a sum not less than five dollars nor more than twenty dollars, to be collected as other fines are now collected by law.

Fines.

SEC. 3. All fines collected under and by virtue of the provisions of this Act, shall be paid into the School Fund of the county in which such fines are collected.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCLVI.

An Act to make an Act herein named applicable to the County of San Bernardino.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Trespass.

SECTION 1. An Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of Los Angeles, and in the County of San Diego, and part of Monterey, approved February fourteenth, eighteen hundred and seventy-two, is hereby, together with all its provisions, made applicable to and given as full force and effect in the County of San Bernardino as though said last mentioned

county was named in the said Act as one of the counties to which it was applicable.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER CCCLVII.

An Act to confirm Order Number One Thousand [and] Four, passed by the Board of Supervisors of the City and County of San Francisco.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whereas, the Board of Supervisors of the City ^{Preamble.} and County of San Francisco passed an order, numbered one thousand and four, which said order was approved by the Mayor and President of the Board of Supervisors, on August seventh, eighteen hundred and seventy-one, and which is as follows: "Order Number One Thousand and Four, amendatory of Order Number One Thousand and Two, requiring property owners to fence lots, to prevent the sand from drifting or being blown into or upon streets that are planked, paved, or macadamized; the People of the City and County of San Francisco do ordain as follows:

Section 1. Sections one and two of Order Number One Thousand and Two are hereby amended so as to read as follows:

Section 1. All persons shall prevent sand or dirt from drifting, or being blown or otherwise moved from all lots owned by ^{Drifting sand.} them, into or deposited upon any paved, planked, or macadamized street of the City and County of San Francisco.

SEC. 2. All persons owning or having the control of any premises fronting on streets that are paved, planked, or macadamized, situated in said city and county, shall, within five days after notice from the Superintendent of Public Streets and Highways, requiring him or them so to do, and without expense to the city and county, so construct fences or bulkheads around the premises or lots owned by them as to prevent sand or dirt from drifting, or being blown, or falling from such lots or premises, into or upon any planked, paved, or macadamized street, or upon the sidewalks thereof. ^{Fences and bulkheads.}

SEC. 3. Any person who shall violate any of the provisions of this order shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the County Jail not more than fifty days. ^{Penalty.}

SEC. 4. All Orders or parts of Orders, conflicting with the provisions of this Order, are hereby repealed. The within and before recited Order be and the same is hereby ratified and ^{Ratification.}

confirmed; and all proceedings heretofore had, and which have taken place, or shall hereafter take place under its provisions, are ratified and confirmed in all respects.

SEC. 5. This Act shall take effect from and after its passage.

CHAPTER CCCLVIII.

An Act to increase and regulate the Police force of the City and County of San Francisco.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Police force
may be
increased.

SECTION 1. The Board of Supervisors of the City and County of San Francisco shall have power to increase the Police force of the said city and county, as from time to time may be deemed necessary by said Board of Supervisors, to not exceeding one hundred and fifty members, including the number now allowed by law, to be appointed by the Police Commissioners, as now provided by law. The salaries of the additional officers hereby authorized shall be of the same amount, not exceeding one hundred and twenty-five dollars per month, and shall be paid in the same manner and at the same time as other members of the said Police force are now or shall hereafter be paid. The Chief of Police of said city and county may detail a regular Police officer to act as his Clerk, who shall receive the same salary as the Property Clerk of the Police Department. The Captain of the Harbor Police shall receive the same salary as is now or may hereafter be paid to Police Captains.

Salaries.

Officers and
politics.

SEC. 2. No member of the Police force of the City and County of San Francisco shall be allowed to interfere in politics on the day of election, or at any other time, while employed on said Police force; nor shall be removed from office for political or partisan causes, reasons, or purposes.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLIX.

An Act for the relief of J. N. Walker, former Tax Collector of Fresno County.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two hundred and sixty-six dollars and twenty-five cents is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the relief of J. N. Walker, former Tax Collector of Fresno County; and the Controller of State is hereby directed to draw his warrant for said sum in favor of said J. N. Walker, and the State Treasurer to pay the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCLX.

An Act to authorize the Mayor of the City and County of San Francisco to convey certain lands to the San Francisco Lying-in Hospital and Foundling Asylum.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Mayor of the City and County of San Francisco is hereby authorized and empowered to make a deed of that certain block of land situate in said city and county, known as Block Number Two Hundred and Ten (210), as the same is numbered and laid down upon the official map of the outside lands of the City and County of San Francisco, to the San Francisco Lying-in Hospital and Foundling Asylum, a benevolent institution duly incorporated under the laws of this State, to be held by said institution forever in trust for the use of a lying-in hospital and foundling asylum, and for no other purpose whatsoever.

Execution
of deed
of trust.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLXI.

An Act to amend an Act entitled an Act to amend an Act entitled an Act to fix the compensation of the District Attorney of the County of Contra Costa, approved February ninth, A. D. eighteen hundred and sixty, approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said amendatory Act is hereby amended so as to read as follows:

District
Attorney
of Contra
Costa.

Section 2. It shall be the duty of the District Attorney to defend all suits of a civil nature brought against the County of Contra Costa, and also all suits brought or proceedings of a civil nature commenced against any officer therein, or any individual, whenever said county is the real party in interest, upon the request of such officer or individual; and for such service the District Attorney shall be entitled to receive a reasonable compensation, to be determined by the Board of Supervisors of said county, and allowed and paid as other county indebtedness. The provisions of this section shall apply to all actions now pending against any officer or officers or individual, wherein the District Attorney of said county may have appeared to protect and defend the interest of said county, and such officer or officers, or such individual, and also to all actions which may hereafter accrue.

Sec. 2. This Act shall take effect from and after its passage.

CHAPTER CCCLXII.

An Act to provide for the protection of the City of Sacramento and Swamp Land District Number Two.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of tax SECTION 1. The Board of Supervisors of the County of Sacramento are hereby authorized and directed to levy, in the year eighteen hundred and seventy-two, a tax of two cents on every one hundred dollars worth of property included within the limits of the City of Sacramento and Swamp Land District Number Two, and the property lying between said city and district, said tax to be levied and collected as other State and county taxes are levied and collected, and to be paid into a Fund to be known as the Levee and Crevasse Fund.

therein contained, with the appropriate entries of age, occupation, local residence, date, place, and by what Court naturalized, date of registration, and all other entries there contained, into the book so furnished in accordance with section one of this Act.

SEC. 3. The book furnished and prepared in compliance with sections one and two of this Act shall be known, held, and acknowledged as the lawful Great Register of Sutter County, and shall have the same force and validity, and confer the same rights and privileges, as the original Great Register of said Sutter County.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCLXV.

An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, one thousand eight hundred and sixty-six, and to repeal an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, one thousand eight hundred and sixty-six, approved March fourteenth, eighteen hundred and sixty-eight.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended so as to read as follows:

Section 5. Any person or persons owning or claiming lands through or upon which it is proposed [to] locate and establish a public highway, and desiring to apply for damages in consequence of such location, shall make application by petition in writing to the Board of Supervisors on the day on which the application for such location shall be made according to notice, wherein they shall set forth the particular road referred to, the amount and character of the land affected thereby, and any other circumstances having relation to the subject of damages upon such land; *provided*, that the legal guardians of minors, idiots, or insane persons shall be authorized and required to take all of the measures in the premises which may be necessary fully to protect their rights. All persons who fail to make application for damages within the time and in the manner specified in this section shall be considered as waiving all rights to damages and as dedicating the lands affected by the proposed location or alteration to the public use as a highway, and their failure so to do shall forever be a bar to any action for damages in any of the Courts of this State.

SEC. 2. Section eighteen is amended to read as follows:

Section 18. Any person performing any services in this Act

Compensation of officers.

provided for in reference to the view, location, or survey of roads shall receive as compensation the following per diem, to wit: Road Surveyor (who shall be the County Surveyor), ten dollars; Viewers, five dollars; assistants, three dollars each; which sums shall [be] allowed by the Board of Supervisors and paid for by their order either by the petitioners or by warrants drawn on the County Road Fund.

SEC. 3. Section nineteen of said Act is hereby amended so as to read as follows:

Road districts.

Section 19. For all of the purposes of this law the township as now or as hereafter established in said county shall be road districts within the meaning of this Act, and said road districts may be changed, created, or more distinctly defined by the Board of Supervisors at any time when considered necessary; *provided*, that such changes shall be made to conform to the lines of election districts in the respective townships, so that such road districts so created by said Board of Supervisors shall contain one or more entire election districts; and at the election of Roadmasters herein provided for, the citizens of each road district shall vote for some citizen within the district in which they reside as Roadmaster.

SEC. 4. Section twenty of said Act is hereby amended so as to read as follows:

Levy of taxes for road purposes.

Section 20. At the session of the Board of Supervisors for levying State, county, and other taxes, the said Board shall levy upon each able-bodied man, except Indians, between the age of twenty-one and fifty-five years, a road poll tax of two dollars, and upon all taxable property in the county a tax for road purposes of not more than sixty cents upon each one hundred dollars, which sum shall be allowed and collected as all other taxes, except as hereinafter provided; and for the purpose of carrying out the provisions of this section the Board of Supervisors are hereby authorized and required to levy said taxes, which may be done at any time, either at a special meeting of the Board for that purpose, or at a regular meeting thereof, as the necessity of the case may require; and the Assessor, in cases where he has already made his assessment, shall place in a separate column, opposite the name of the party so assessed, when liable to pay a road tax as required by this Act, the figure "1;" and all able-bodied men, except Indians, who have resided three months in the State and ten days in the road district shall pay the road poll tax herein provided for; and all moneys received or collected for such taxes or assessments shall constitute the Road Fund. In order to enable the Board of Supervisors to levy the poll tax heretofore specified, and to provide for the collection of the same, the Assessor or Assessors in the County of Santa Clara shall prepare, in his or their tax lists or assessment roll, a separate column, headed "Road Poll," in which he shall place against the name of every person liable to pay road poll tax, the figure "1." All taxes and assessments, with the assessments hereinafter provided, shall be collected by the Tax

Collection.

Collector of the county in the same manner as State and county taxes, and placed in the County Treasury to the credit of the County Road Fund; *provided*, that seventy per cent of all the taxes or the moneys arising therefrom shall be placed in the

County Treasury to the credit of the respective road districts, Same. so that each of said districts shall be credited with seventy per cent of all the moneys paid by the residents or property in such district for road purposes, as in this section provided; and the said seventy per cent, so credited to the respective districts as aforesaid, shall be known as the District Road Fund, and shall be used in the district which is credited therewith, subject to the control of the Board of Supervisors; and, for the purpose of enabling the Supervisors to carry out the provisions of this section, the Assessor or Assessors in the County of Santa Clara shall, and it is hereby made his and their duty to designate, upon his or their assessment roll, the township and road district in which the property in said county is situated, and also in what township and road district the person liable to pay a road poll tax by the provisions of this section may reside at the time of making such assessment.

SEC. 5. Section twenty-one of said Act is hereby amended so as to read as follows:

Section 21. At each general election the qualified electors in each road district shall elect some citizen of said district as Roadmaster of said district for the term of two years from the time of his election and qualification, and it shall be the duty of the Clerk of the Board of Supervisors to notify the person so elected of his election, and he shall thereupon or within ten days thereafter qualify by filing a bond with the Clerk of the Board of Supervisors in the sum of one thousand dollars with two sureties, which shall be approved by the County Judge, and by taking an oath before some person authorized to administer the same, that he will faithfully and impartially perform the duties devolved upon him by law as Roadmaster; *provided*, the Board of Supervisors shall have general supervision of the public roads in said county; and the members of said Board shall have special supervision over the public roads in their respective Supervisor district; said Board of Supervisors shall have power, and the same is hereby conferred upon said Board, upon cause shown at any regular meeting by the residents of any road district in writing to remove the Roadmaster of such district from office; and *provided* further, that said Board of Supervisors shall have power to fill all vacancies in the office of Roadmaster caused by removal, resignation, or otherwise.

SEC. 6. Section thirty-one is hereby amended so as to read as follows:

Section 31. Any person or persons, or body politic or corporate, who shall obstruct or damage any public highway, either by placing any obstruction therein, or by digging or by deepening the waters of any stream, or by placing any obstruction in any ditch within or along any public highway, or by placing or constructing any obstruction, ditch, or embankment upon their own or other lands so as to make or cause any water to flow upon any public highway, or into any ditch along said highway which there may be within the limits of said highway as established by the Board of Supervisors of said county or otherwise, or in any other manner obstruct any public highway, shall be deemed guilty of a misdemeanor, and shall be liable to prosecution before any Justice of the Peace in said county; Penalties for obstructions and damages.

Same. / and it shall be the duty of the Roadmaster of any district wherein such obstruction or damage exist, to make a complaint against the person or persons so obstructing or injuring any public highway in his said district before any Justice of the Peace of said county; and the person or persons so complained of shall, upon conviction of the violation of any of the provisions of this section, be punished by a fine not less than ten nor more than fifty dollars, to be collected as other fines; and he shall further be liable at the suit of the Roadmaster of the district in the sum of five dollars for each day that such obstruction is allowed to remain after being notified to remove or remedy the same.

SEC. 7. Section thirty-four of said Act is hereby amended so as to read as follows:

Exemptions. Section 34. The City of San José and the Town of Santa Clara are exempt from the provisions of this Act; *provided*, that the road poll tax hereinbefore provided for shall be levied upon, assessed against, and collected from the residents of said City of San José and Town of Santa Clara in the same manner as from the residents of other portions of said county.

Repealed. SEC. 8. An Act entitled an Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, one thousand eight hundred and sixty-six, approved March fourteenth, one thousand eight hundred and sixty-eight, is hereby repealed.

SEC. 9. This Act shall take effect immediately.

CHAPTER CCCLXVI.

An Act for the relief of Anna Virginia Wakeman.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Governor
to execute
a deed to
certain
real estate.

SECTION 1. Upon satisfactory proof being made to the Governor of this State, that at a sale of the interests of this State made under and by virtue of an Act approved May eighteenth, eighteen hundred and fifty-three, entitled an Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco, as defined in and by the Act entitled "An Act to provide for the disposition of certain property of the State of California," passed March twenty-six, eighteen hundred and fifty-one, Alonzo C. Wakeman became the purchaser of the interest of this State in and to all that certain tract of land in the City and County of San Francisco known as lot six hundred and thirty-four (634) of South Beach water lots, and did pay to the State the purchase money therefor and receive a deed of conveyance conveying to him all the right, title, and interest which the

State of California had on the day of the date of such deed in same and to the said lot; and it being made to appear likewise that said deed was lost or destroyed, and that the said Alonzo C. Wakeman died in the month of September, eighteen hundred and sixty-seven, leaving Anna Virginia Wakeman, his wife, him surviving, the Governor of this State is hereby authorized and directed to make and execute a deed on behalf of the State, conveying to the said Anna Virginia Wakeman and assigns, all the right, title, and interest of the State of California, and no more, which the State conveyed to the said Alonzo C. Wakeman, by and through the former and first deed; and all the rights acquired under the deed executed by the Governor shall inure to the benefit of any of the grantees of the said Alonzo C. Wakeman and Anna Virginia Wakeman, or of either of them, if any there be, to all intents and purposes, as if the first deed had not been lost.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCLXVII.

An Act amendatory of and supplementary to an Act entitled "An Act to establish and define the powers and duties of the Board of Education of the City of Vallejo," approved March twenty-fifth, eighteen hundred and seventy.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. There shall be a Board of Education in and for Vallejo Township, in the County of Solano, which shall consist of a Superintendent of Public Schools, who shall be ex officio President of the Board, and four School Directors. Board of Education.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Section 2. At the next ensuing charter election for city officers of the City of Vallejo, and at each and every charter election thereafter, the legally qualified voters residing within the limits of said Vallejo Township shall elect a Superintendent of Public Schools and four School Directors for said township, who shall hold their respective offices for the term of two years, and until their successors are elected and qualified; *provided*, however, the persons composing the Board of Education of the said City of Vallejo on the day this Act goes into effect, shall continue in office and constitute the Board of Education of said Vallejo Township until the next charter election aforesaid, and Election of Superintendent and Directors.

shall exercise and are hereby authorized, empowered, and enjoined to exercise all the powers and duties hereinafter provided, as appertaining to the Board of Education created by this Act.

SEC. 3. Section four of said Act is hereby amended so as to read as follows:

Powers
of the
Board of
Education.

Section 4. The Board of Education shall have sole power:

First—To establish and maintain public schools, and to establish school district, and to fix and alter the boundaries thereof, and to fix the terms upon which non-resident pupils may attend the said school, and to collect the tuition for such non-resident pupils, and to expend the same for educational purposes.

Second—To employ and dismiss teachers, janitors, and School Census Marshals, and to fix, alter, allow, and order paid their salaries or compensation, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board.

Third—To make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the government and progress of public schools within the said city, the teachers thereof and the pupils therein, and for carrying into effect the laws relating to education.

Fourth—To provide for the school department of said city, fuel and lights, water, blank books, maps, charts, printing, stationery, and such other articles, materials, or supplies as may be necessary and appropriate for use in schools, and to incur such incidental expenses as may be deemed necessary by said Board.

Fifth—To build, alter, repair, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and school appliances, and to insure any and all such school property, and to procure necessary books for indigent pupils.

Sixth—To receive, purchase, lease, and hold in fee, in trust for the City of Vallejo, any and all real estate, and to hold in trust any personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the public schools of said city, and to sell and convey the same; *provided*, that no real estate shall be purchased, sold, or exchanged, or expenditure incurred for the construction of new school houses, without the consent of two thirds of all the members of the Board of Education and two thirds of all the members of the Board of Trustees of said city; and *provided* further, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots or the erection of school houses.

Seventh—To grade, fence, and improve all school lots, and in front thereof to grade, sewer, plank, or pave and repair streets, and to construct and repair sidewalks.

Eighth—To sue for any and all lots, lands, and property belonging to or claimed by the said school department, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property, and to employ and pay counsel in such cases; *provided*, the amount of fees paid to such counsel

shall not exceed five hundred dollars in any one year, and further, to do any and all lawful acts necessary thereto.

Ninth—To determine annually the amount of money required for the support of public schools in said township for ten months, together with the cost of all necessary repairs and incidental expenses; and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision the Board shall, on or before the first Monday of May, A. D. one thousand eight hundred and seventy-two, and on or before the first Monday in February of each and every year thereafter, submit in writing to the Board of Supervisors of the County of Solano a careful estimate of the whole amount so required for the current school year, together with an estimate of the amount of money to be received from the State and county, and the amount required in addition thereto from the township for the above purposes; and the said Board of Supervisors shall, after receiving the assessment roll for the County Assessor of said county, and before the first Monday in September of each year, levy a special school tax upon all the taxable property in said township for an amount which, together with the State and county money to be received, shall be sufficient to maintain the public schools in said township for ten months during the year; and said tax shall be equalized and collected in the manner provided for equalizing and collecting State and county taxes, and when collected shall be paid to the County Treasurer, who shall account for and keep the same separate as the "Vallejo School Fund," and pay it out upon the order of the City Treasurer of the said City of Vallejo, who shall be legal custodian of the School Fund of said township, and for which the County Treasurer, the Tax Collector, and the City Treasurer shall be responsible on their official bonds. No Tax Collector, or County, or City Treasurer shall receive any fees or compensation whatever, for collecting, receiving, keeping, or disbursing any money belonging to the School Fund aforesaid.

SEC. 4. Section twelve of said Act is hereby amended so as to read as follows:

Section 12. The School Fund of Vallejo Township shall consist of all moneys received from the State School Fund, and all moneys received from a due apportionment of the County School Fund, and all moneys arising from taxes which shall be levied annually by the Board of Supervisors of said county for the support of the public schools in said township, of all moneys arising from the sale, rent, or exchange of any school property, and of such other moneys as may from any source whatever be paid into said School Fund; which Fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this Act; and if at the end of any fiscal year any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of next year, and shall not be for any purpose whatever diverted or withdrawn from said Fund, except under the provisions of this Act.

SEC. 5. The Board of Education of the Vallejo School District, and their successors in office, are hereby authorized and

Five
thousand
dollars
may be
borrowed.

empowered to borrow five thousand dollars for the purpose of paying a certain note of five thousand dollars held by Henry Mackie against said School District; and for the securing the repayment of the same, to execute and deliver a note, together with a mortgage upon lots numbered one, two, three, four, and five, in block numbered three hundred and forty-nine, in the City of Vallejo, in the County of Solano; *provided*, that the note to be secured by such mortgage shall not run for a longer period than four years.

Names
substituted

SEC. 6. In all cases where the term "City Superintendent" appears in this Act to designate the presiding officer of the Board of Education, such presiding officer shall be hereafter known and designated as the Superintendent of Public Schools; and wherever the term "City of Vallejo" appears in this Act, the said Act is hereby amended so as to read "Vallejo Township."

SEC. 7. This Act shall take effect from and after its passage, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAPTER CCCLXVIII.

An Act amendatory of and supplemental to an Act entitled "An Act concerning roads in the County of Marin," approved March thirtieth, eighteen hundred and sixty-eight.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repealed. SECTION 1. Section three of the Act entitled "An Act concerning roads in the County of Marin," approved March thirtieth, eighteen hundred and sixty-eight, is hereby repealed.

SEC. 2. Section seven and section eight of said Act are hereby repealed.

SEC. 3. Section nine of said Act is hereby amended so as to read as follows:

Contracts. SECTION 9. When the cost of building or repairing any bridge or embankment, or of altering or repairing any road, will probably exceed two hundred dollars, including materials, and this fact shall come to the notice of the Board of Supervisors, said Board shall let the contract for such building, repairing, altering, or opening, to the lowest responsible bidder, as follows: at least twenty days notice shall be given of the proposed letting of such contract by publishing the same not less than two successive insertions in some weekly newspaper published in the county, which notice shall set forth the services to be performed, or the material required, or both such services and material, when and where proposals will be received and opened.

SEC. 4. Section ten of said Act is hereby amended so as to read as follows:

Section 10. The Supervisor of each Supervisor District shall have the general supervision of all public roads in his Supervisor District, and the Board of Supervisors are hereby constituted Road Commissioners in and for said county, with full regulations power at the regular and special meetings of said Board, to let, by contract, the working, repairing, and keeping in repair, of all or any part or section of the public roads of said county. No contract let or entered into under the provisions of this section, shall be for a shorter period of time than one year, nor for more than five years, and shall be reduced to writing, signed by the person or persons taking the same and the Chairman of the Board of Supervisors. Every such contract shall specify with precision the road or section of road to be kept in repair, the price to be paid by the county, together with the general terms of such contract; *provided*, that the Supervisor of any district may make* and sign, on the part of the Board, the contract for repairing and keeping in repair of any road or section of road in his Supervisor district, in cases where the price and general terms of such contract have been agreed upon by the Board of Supervisors, or a member of the Board, letting any contract in pursuance of the power granted in this section, shall require of the party taking such contract, a bond, joint and several in form, in a sum to be named by the Board, with sureties to be by said Board approved, conditioned for the faithful performance of such contract; and every contract let under this section shall be, after notice given, either by posting notices at the Court House door, and in two or more public places in the township where said road is situate, or by publication in a newspaper published in the county, or by both such posting and publishing for such time as the Board of Supervisors, by entry on their minutes, shall direct; and every contract shall be awarded to the lowest responsible bidder, unless the Board shall reject all bids, which may be done if deemed advisable.

SEC. 5. Section eleven of said Act is hereby amended so as to read as follows:

Section 11. The Collector, at the same time when he returns his delinquent list of State and county taxes, shall make out and deliver to the County Auditor an alphabetical list of all persons in the county liable to pay road poll tax, who have not paid the same, which list shall show the amount or rate of tax due from each person returned delinquent, and shall be certified by the Collector, and shall be prima facie evidence of the truth of its contents; which delinquent "road poll tax" shall be collected in the same manner, by the same persons, with the same percentage added, as delinquent State and county taxes.

SEC. 6. Sections twelve, thirteen, and fourteen of said Act are hereby repealed. Repealed.

SEC. 7. All payments upon contracts made in pursuance of section four of this Act shall be made by the Board of Supervisors quarter-yearly, by warrants on the "Road and Bridge Fund" of said county, at the regular meetings of said Board in February, May, August, and November, and the Board of Supervisors shall prescribe by order entered upon their minutes what Payments upon contracts.

they will deem sufficient evidence on the part of a contractor that he has complied with his contract so as to be entitled to payment.

Repairs
and
temporary
work.

SEC. 8. Whenever any portion or section of the public road of Marin County is out of repair or shall require working, for which no contract has been entered into, as authorized by the fourth section of this Act, the Supervisor in whose district such work or repairing is required, shall, under the general direction of the Board of Supervisors, make special contracts for the temporary work or repairing of such road from time to time, until a contract can be entered into as provided in section four; and when any person or persons, taking a contract under the provisions of this Act, shall fail or refuse to perform the conditions and comply with the terms thereof, the Board of Supervisors shall declare such contract forfeited and rescinded, and may proceed to relet such road or section of road as though no previous contract had been made; and said Board may in their discretion cause an action for damages to be commenced and prosecuted against such defaulting contractor and his sureties upon their bond.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXIX.

An Act to amend an Act entitled "An Act to provide for the formation of corporations for certain purposes," approved April fourteenth, eighteen hundred and fifty-three.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Three or
more
persons
may incor-
porate.

Section 2. Any three or more persons who may desire to form a company for any one or more of the purposes specified in the preceding section, may make, sign, and acknowledge before some officer competent to take the acknowledgment of deeds, and file in the office of the County Clerk of the county in which the principal place of business of the company is intended to be located, and certified copies thereof under the hand of the Clerk and seal of the County Court of said county, in the office of the Secretary of State, and in the office of the Clerk of the several counties in which they may carry on their business, a certificate in writing, in which shall be stated the corporate name of the company, the object for which the company shall be formed, the amount of its capital stock, the time of its existence, not to exceed fifty years, the number of shares of which the stock shall consist, the number of Trustees, and their names, who shall manage the concerns of the company

for the first three months, and the names of the city, or town, and county in which the principal place of business of the company is to be located.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXX.

An Act to amend an Act entitled "An Act to authorize and require the County of Santa Cruz to pay over certain school moneys to certain school districts in San Mateo County," approved March twenty-seventh, eighteen hundred and seventy.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the Act of which this Act is amendatory is hereby amended so as to read as follows:

[Section 1.] The County Treasurers and County Superintendents of Common Schools of the Counties of Santa Cruz and San Mateo, respectively, shall together constitute a Board of Commissioners, whose duty it shall be to examine the claims of the Pescadero and San Gregorio School Districts against the School Fund of Santa Cruz County. Said Board of Commissioners shall meet in the County of Santa Cruz within thirty days after the passage of this Act, upon five days notice given by the Treasurer of San Mateo County to each of said Commissioners, and forthwith proceed to ascertain the amount of school money in the Treasury of Santa Cruz County on the tenth day of March, eighteen hundred and sixty-eight, which was set apart and apportioned to the credit of the aforesaid school districts at or before the time the said districts were ceded to the County of San Mateo, and not drawn out by said districts for their own benefit; and when the aforesaid Board of Commissioners shall ascertain the amount of the said apportioned moneys due the aforesaid districts, said Board shall certify the same to the Board of Supervisors of Santa Cruz County; and said Board of Supervisors shall, at their first regular meeting thereafter, draw their order for said amount on the County Treasurer of Santa Cruz County in favor of the Treasurer of San Mateo County, payable in gold coin of the United States, out of the School Fund of Santa Cruz County; and if there be not sufficient money in said School Fund to pay said amount, then the aforesaid order shall be payable out of the General Fund of the County of Santa Cruz; *provided*, that if either one or more of said Commissioners refuse or neglect to act, then the remaining members shall have full power to proceed as hereinbefore provided.

Payment
of claims
against the
School
Fund of
Santa Cruz
County.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER CCCLXXI.

An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section (161) one hundred and sixty-one of the above entitled Act is amended so as to read as follows:

Exami-
nation.

Section 161. The magistrate must also, upon the request of the defendant, exclude from the examination every person except his clerk, the prosecutor and his counsel, the Attorney General, the District Attorney of the county, the defendant and his counsel, and the officer having the defendant in custody.

Testimony.

The testimony given by such witness must, when the magistrate deems it necessary, be reduced to writing as a deposition by him or under his direction, and authenticated in the following form:

First—It must state the name of the witness, his place of residence, and his business or profession.

Second—It must contain the questions put to the witness and his answers thereto, each answer being distinctly read to him as it is taken down, and being corrected or added to until it conforms to what he declares is the truth.

Third—If a question put be objected to on either side and overruled, or the witness declines answering it, that fact, with the ground on which the question was overruled or the answer declined, must be stated.

Fourth—The depositions must be signed by the witness, or if he refuses to sign it, his reason for refusing must be stated in writing as he gives it.

Fifth—It must be signed and certified by the magistrate.

SEC. 2. This Act shall take effect and be in force on the first day of January, eighteen hundred and seventy-three.

CHAPTER CCCLXXII.

An Act to amend an Act entitled "An Act concerning public roads and highways in the Counties of Santa Cruz and San Diego," approved March twenty-first, eighteen hundred and seventy.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten is amended so as to read as follows:
[Section 10.] Upon the presentation of a petition to the

Board of Supervisors, signed by a majority of the residents of any road district, praying for the establishment of a toll gate and the collecting of toll on such road, the said Board shall have the power to cause a toll gate to be erected and a toll to be collected on such roads; to appoint some resident citizen and taxpayer of the road district in which such toll gate is situated as Toll Collector; to prescribe by ordinance the duties of such Collector, to fix his compensation, and to remove such Collector from office at any time; *provided*, that no toll gate shall be erected or toll collected on any road within one half mile of any town or village. The Toll Collector shall qualify, before entering upon the duties of his office, by taking the oath of office, and by filing a bond with the County Clerk in the form prescribed by the Act concerning the official bond of office, conditioned for the faithful performance of the duties of the office, in the penal sum of one thousand dollars. The said Board shall also provide by ordinance for the enforcement of collection of the toll on such roads. The violation of any ordinance passed by said Board by authority of the provisions of this Act shall be deemed a misdemeanor.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXXIII.

An Act to prevent hogs from running at large in the Town of Red Bluff.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person owning or having hogs in charge to allow them to run at large or to be kept in an inclosure within the town site of Red Bluff, and any person or persons violating the provisions of this Act shall be adjudged guilty of a misdemeanor, and upon conviction thereof be fined in a sum not less than ten dollars nor more than fifty dollars, together with costs of this action.

SEC. 2. This Act shall take effect and be in force from and after the first day of May, eighteen hundred and seventy-two.

CHAPTER CCCLXXIV.

An Act to provide for the settlement of the value of school property in the several school districts that were adjacent to the City of Stockton, and which was by Act of the Legislature, approved January twenty-sixth, eighteen hundred and seventy, included within the limits of said city.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Adjust-
ment of
property
values.

SECTION 1. The several school districts that were adjacent to the City of Stockton, and which were by Act of the Legislature reincorporating said city, approved January twenty-sixth, eighteen hundred and seventy, included within its limits, are hereby authorized and empowered by their several acting Trustees, severally to make and enter into an agreement to and with said city for the adjustment of the value of property of said several districts by said Act transferred as aforesaid; and upon such adjustment or agreement between said parties or either thereof, the Trustee or Trustees of, or acting for each or either of said districts, are severally authorized and empowered to enter into, execute, and deliver any instrument of settlement or conveyance, to or with the Board of Education, in trust for said city, and to convey any and all property or estate of any kind whatever thereby.

Settlement
in the
District
Court.

SEC. 2. If an arrangement of said matters shall not be had by agreement, said city, by its Board of Education, may file its petition before the Fifth District Court against said school district with which no settlement has been had, setting forth the facts in each case; and the Judge of said Court shall appoint three Commissioners to hear said parties severally, and to adjudge and determine the differences between them, and report the same to said Court, together with proofs upon which said decision is had. Upon the confirmation of such report and decision, said Court shall enter a decree therein enforcing the same, and for the execution of any needful deed or deeds, or other papers, in order to a complete settlement of all said matters so in controversy.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXXV.

An Act to establish and maintain a Dispensary in the City of Sacramento.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Health of the City of Sacramento, consisting of Ira E. Oatman, T. M. Logan, F. W. Hatch, W. R. Cluness, and G. L. Simmons, are hereby empowered and required to establish a Dispensary for the accommodation of the sick poor of the City and County of Sacramento on the lot belonging to the County of Sacramento, on the northwest corner of Seventh and I streets in said city; and all bills approved by said Board of Health for this purpose shall be allowed and ordered paid, by the Board of Supervisors of the County of Sacramento, out of the General Fund; *provided*, that all expense for the establishment of such Dispensary and furnishing of the same shall not exceed two thousand dollars.

SEC. 2. The Board of Supervisors of the County of Sacramento shall require the County Physician, or a regularly educated assistant, to take charge of said Dispensary, and to keep an office open therein for at least two hours in each day of the year, at which time he shall give advice and medicines to poor out patients and applicants from the Howard Benevolent Society, and receive orders for visits to the sick poor at their homes, and said assistant shall receive a compensation not to exceed fifty dollars per month.

SEC. 3. During the absence of the medical attendant the Dispensary shall be accessible, at all times of the day or night, to any member of the police of the City of Sacramento, to any practising physician, or to any officer of the Howard Benevolent Society who may desire to obtain accommodations for patients in cases of accident or sudden sickness, where an immediate removal to the County Hospital is impracticable, or where such an attempt would endanger life.

SEC. 4. No person possessed of property of any description shall receive assistance, as an out patient, from the Dispensary, and no cases of venereal disease in any form shall be treated at the expense of the county in this institution.

SEC. 5. After the establishment of the Dispensary by the Board of Health of the City of Sacramento the said Board shall exercise a general supervision over its concerns, adopting such improvements in its management as from time to time may be required. They shall require from the attending physician stated reports in regard to cases treated by him, and certify to the Board of Supervisors of the county as to the correctness of all bills for medicines or incidental expenses; *provided*, that in no case shall any bills for medicines and incidental expenses be allowed which exceed in the aggregate the sum of one hundred dollars per month. No compensation shall be allowed to any

member of the Board of Health for services rendered in carrying out the purposes of this Act.

Payment of
expenses.

SEC. 6. The Board of Supervisors of Sacramento County are hereby required to allow and order paid out of the Hospital Fund all bills for the maintenance of this Dispensary which may be approved by the Board of Health of the City of Sacramento, in compliance with the preceding sections.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXXVI.

An Act to amend an Act entitled "An Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide for a bounty for the same," approved March sixteenth, eighteen hundred and seventy.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the above entitled Act is hereby amended so as to read as follows:

Special
taxes for
Bounty
Funds.

Section 1. The respective Boards of Supervisors in and for the Counties of Alameda, Contra Costa, Stanislaus, Merced, San Joaquin, and Yolo shall, at the time of making their annual levy of the State and county taxes, or at any regular meeting of said respective Boards on or before the first Monday in June, eighteen hundred and seventy, and every year thereafter, levy a special tax not to exceed in the Counties of Alameda, Stanislaus, Merced, San Joaquin, and Yolo two cents, and in the County of Contra Costa not to exceed five cents on each one hundred dollars valuation of all taxable property on the respective assessment rolls of said counties, which tax shall be collected at the same time and manner in which other county and State taxes are collected; and when so collected, less only the fees allowed by law for the collection and disbursement of the same, shall constitute in each of said counties a Fund to be known as the "Bounty Fund."

Fresno
County.

SEC. 2. All moneys remaining in the "Bounty Fund" of Fresno County shall be transferred to the "School Fund" of said county.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCLXXVII.

An Act concerning actions for libel and slander.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In an action for libel or slander the Clerk shall, before issuing the summons therein, require a written undertaking on the part of the plaintiff in the sum of five hundred (500) dollars, with at least two competent and sufficient sureties, specifying their occupations and residences, to the effect that if the action be dismissed or the defendant recover judgment, that they will pay such costs and charges as may be awarded against the plaintiff by judgment or in the progress of the action, or on an appeal, not exceeding the sum specified in the undertaking. An action brought without filing the undertaking required shall be dismissed. Plaintiff must give a bond.

SEC. 2. Each of the sureties on the undertaking mentioned in the first section shall annex to the same an affidavit that he is a resident and householder or freeholder within the county, and is worth double the amount specified in the undertaking, over and above all his just debts and liabilities, exclusive of property exempt from execution. Sureties.

SEC. 3. Within ten days after the service of the summons the defendants or either of them may give to the plaintiff or his attorney notice that they or he except to the sureties and require their justification before a Judge of the Court or County Judge, at a specified time and place, the time to be not less than five nor more than ten days thereafter, except by consent of parties. The qualifications of the sureties shall be as required in their affidavits. Exceptions to sureties.

SEC. 4. For the purpose of justification each of the sureties shall attend before the Judge at the time and place mentioned in the notice, and may be examined on oath touching his sufficiency in such manner as the Judge in his discretion shall think proper. The examination shall be reduced to writing if either party desires it. Justification.

SEC. 5. If the Judge find the undertaking sufficient, he shall annex the examination to the undertaking and indorse his approval thereon. If the sureties fail to appear, or the Judge finds the sureties or either of them insufficient, he shall order a new undertaking to be given. The Judge may also at any time order a new or additional undertaking upon proof that the sureties have become insufficient. In case a new or additional undertaking is ordered, all proceedings in the case shall be stayed until such undertaking is executed and filed, with the approval of the Judge. Action of the Court.

SEC. 6. If the undertaking as required be not filed in five days after the order therefor, the Judge or Court shall order the action to be dismissed. Dismissal.

Counsel
fees.

SEC. 7. In case plaintiff recovers judgment, he shall be allowed as costs one hundred (100) dollars, to cover counsel fees, in addition to the other costs. In case the action is dismissed, or the defendant recover judgment, he shall be allowed one hundred (100) dollars, to cover counsel fees, in addition to the other costs, and judgment therefor shall be entered accordingly.

CHAPTER CCCLXXVIII.

An Act to amend an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-four of said Act is hereby amended so as to read as follows:

Duties of
Road
Commis-
sioner.

Section 24. It shall be the duty of the Road Commissioners to have the general supervision of road tools and implements, and the repairing of the roads and bridges in their respective districts; to hire labor, tools, and teams, when required, at the lowest current rates, and to cause all bridges and roads to be repaired and kept clear of obstructions; *provided*, such expenditure shall not exceed the amount of money levied for road purposes in the respective road districts for the year in which the work is done. They shall have power to make use of any material for building or improving the roads which may be necessary, from any adjacent unimproved land, and to dig ditches on any land when necessary to drain roads, and the Board of Supervisors may allow such damage, if there be any, to the owner or owners of said land as may be just.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCLXXIX.

An Act defining the duties of the County Assessor of Santa Clara County.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Assessor of the County of Santa Clara is hereby made the collector of all poll taxes to be collected within

the County of Santa Clara, both for State and county purposes, and it is hereby made the duty of said Assessor to collect such poll taxes, and to account for the same in the manner now provided by law for the collection thereof by Tax Collectors. Assessor shall be Collector.

SEC. 2. The said County Assessor shall receive, for his services in collecting and accounting for such poll taxes, the fees and compensation now allowed by law to Tax Collectors for such services. Compensation.

SEC. 3. The provisions of an Act entitled "An Act to provide revenue for the support of the government of this State," passed May fifteenth, eighteen hundred and fifty-four, and of an Act entitled "An Act concerning roads and highways in the County of Santa Clara," approved March thirty-first, eighteen hundred and sixty-six, so far as the same refer to and provide for the collection of poll taxes, are hereby made applicable to the County Assessor of Santa Clara County, and said Assessor shall perform the duties that by said Acts are required to be performed by Tax Collectors in the collection of poll taxes. Statutes made applicable.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after the expiration of the term of office of the Collector elect.

CHAPTER CCCLXXX.

An Act to provide for the levying and collection of a special tax to be used in the construction of bridges in Tehama County.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Tehama are hereby empowered and directed to levy annually a special tax of twenty-five cents upon each one hundred dollars worth of taxable property in said county. Said special tax shall be levied and collected at the same time and in the same manner as State and other county taxes, and when collected shall be paid into the County Treasury of said county, and there be set apart to be used and known as the Bridge Fund of Tehama County; *provided* always, that all sums in excess of the sum of ten thousand dollars which may be collected under the provisions of this Act shall be paid into the General Fund of said county; and *provided* further, whenever the aggregate amount of moneys paid into the said Bridge Fund of Tehama County under the provisions of this Act shall amount to the sum of ten thousand dollars, that thereafter the special tax hereinbefore provided for shall cease to be levied and collected. Special tax

SEC. 2. The Board of Supervisors of said county shall meet on the first Monday of May after the passage of this Act, and

Published notice. shall cause to be published for at least thirty days in some newspaper printed and published in said county an advertisement for sealed proposals for the construction of bridges over Mill Creek and Thomas Creek. The bridge to be constructed over Mill Creek shall be constructed on the main road running from Tehama Mills to Antelope Mills in said county, or at any point near to the said main road that may be selected by the said Board of Supervisors as a suitable site for said bridge. The bridge to be constructed over Thomas Creek shall be constructed on the main road running from Tehama to Henry Wilson's place in said county, or at any point near to the said main road that may be selected by the said Board of Supervisors as a suitable site for said bridge. Said proposals shall be addressed to the Clerk of the Board of Supervisors of Tehama County, and shall be indorsed "Proposals for Bridges," and shall contain a bid for the construction of each of said bridges severally, according to plans and specifications to be furnished by the bidders respectively, and which shall accompany the respective bids.

Award of contracts. SEC. 3. On the third Monday of June, A. D. eighteen hundred and seventy-two (1872), the said Board of Supervisors shall meet, and in public open all proposals that may have been received for the construction of said bridges, and shall proceed to consider the said proposals in connection with the plans and specifications accompanying each, and shall, upon the filing of the bond hereinafter provided for, award the contract for the construction of the said bridges, or either of them, to the person or persons offering to construct the same for the lowest amount of money, due regard always being had for the merits of the plans and specifications accompanying said bids; *provided*, always, that said Supervisors may, in their discretion, reject any and all bids that may be received.

Contractors bonds. SEC. 4. The person or persons to whom the contract for the construction of said bridges, or either of them, may be awarded, shall file a good and sufficient bond, with two or more sureties, in double the amount of their respective bids, to be approved by the Board of Supervisors of said county, and conditioned to the effect that the obligators will well and truly, and in workmanlike manner, cause the said bridge or bridges to be constructed and completed on or before the third Monday of December, A. D. eighteen hundred and seventy-two, in accordance with the plans and specifications accompanying the respective proposals adopted by the Board.

Payment of one third. SEC. 5. Upon the filing of the bond provided for in the last section, the person or persons to whom the award or awards shall be made shall be entitled to receive and the County Auditor of said Tehama County is directed to draw a warrant on the said Bridge Fund of Tehama County in favor of the person or persons to whom the contract or contracts shall be awarded, for one full third of the amount finally to become due upon their respective contracts.

Payments of balances due. SEC. 6. Upon the final completion of said bridges, or either of them, and the acceptance thereof by the said Board of Supervisors, the County Auditor of said county shall draw his warrant or warrants on the said Bridge Fund of Tehama County in

favor of the person or persons who may have constructed the said bridges, or either of them, for the balance due such persons respectively; and all warrants drawn in pursuance of this section shall bear interest at and after the rate of seven per cent per annum from the date of their presentation to the County Treasurer of said county until finally paid; *provided*, always, that said interest shall be payable out of said Bridge Fund only.

SEC. 7. All moneys remaining in said Bridge Fund of Tehama County, after paying for the construction of said bridges and interest due upon the warrants drawn on said Fund, shall immediately be transferred to the General Fund of said county, and said tax shall thereupon cease to be levied. Transfer
of moneys.

SEC. 8. All Acts and parts of Acts, so far as the same may conflict with the provisions of this Act, are hereby repealed.

SEC. 9. This Act shall take effect from and after its passage.

CHAPTER CCCLXXXI.

An Act to repeal an Act entitled "An Act to authorize the Controller of State to issue duplicate warrants," approved January twenty-sixth, eighteen hundred and seventy-two.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled "An Act to authorize the Controller of State to issue duplicate warrants," approved January twenty-sixth, eighteen hundred and seventy-two, is hereby repealed so far as applies to Controller's warrant number thirteen hundred and forty-nine, dated August thirty-first, eighteen hundred and seventy-one, for seven hundred and twenty-eight dollars, payable to Trustees State Normal School. Repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLXXXII.

An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise
granted.

SECTION 1. The right to take possession of, improve, and collect toll upon the road now leading from Y street, in the City of Sacramento, to Sutterville, and thence to the southern line of the Hooker Ranch, now owned by William Hyser, commonly known as the Sutterville road, is hereby granted to E. H. Miller, Jr., D. W. Earl, F. M. Chapman, Robert Hamilton, D. E. Callahan, C. F. Wheeler, C. L. Scudder, Edgar Mills, George Gilbert, Frank Malone, Edward Hamilton, Benjamin Crocker, and such other persons as they may associate with them, and their assigns, for the term of twenty-five years after the passage of this Act, upon the terms and conditions hereinafter provided.

Terms and
conditions.

SEC. 2. Within one year after the passage of this Act the parties named in the first section of this Act, and their associates or assigns, shall grade and improve said road from Y street, in Sacramento City, to the southern line of said ranch, in the manner following, to wit: the bed of said road shall be thirty (30) feet wide, and shall be macadamized or graveled to a depth sufficient to make an even, hard, and permanent surface, and good and sufficient ditches for drainage shall be constructed. Said road, after completion as aforesaid, shall be maintained in constant repair, and during the Summer months shall be sprinkled so as to keep the same free from dust; and all work of grading, completing, and repairing said road shall be so conducted as to cause the least obstruction to travel while the same is being done.

Collection
of tolls.

SEC. 3. When said road shall have been completed as aforesaid, said parties and their associates or assigns may lawfully erect and establish tollgates thereon, and may lawfully collect tolls thereat from all persons using said road; *provided*, said tolls shall be annually fixed and established by the Board of Supervisors of Sacramento County, as near as may be at rates which shall not yield to said parties and their associates or assigns more than ten per cent per annum on the cost of constructing and maintaining said road as aforesaid.

Exemptions from
tolls.

SEC. 4. All persons residing in Road District Number Seventeen, or who shall hereafter reside within the present limits of said road district, shall be entitled to use this road free of toll so long as they continue to so reside, upon proof of such residence by the affidavit of a disinterested party possessing the qualifications of a witness in the Courts of justice of this State; and it shall be the duty of said parties and their associates or assigns to issue to the applicant a free pass for one year, and such pass shall be renewed from year to year so long as the

applicant shall continue to reside in said road district. For every violation of the provisions of this section said parties and their associates or assigns shall forfeit an amount equal to three times the sum of all tolls paid by the injured party during the time such pass shall have been denied, to be recovered by civil action in any Court of competent jurisdiction in this State.

SEC. 5. This Act shall take effect and be in force from and after its passage, and shall be deemed a public Act.

CHAPTER CCCLXXXIII.

An Act to amend an Act entitled "An Act defining the legal distances from each county seat to the Capitol, Lunatic Asylum, and State Prison," approved April twenty-fourth, A. D. eighteen hundred and fifty-eight.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-seven of said Act is hereby amended to read as follows:

Section 27. From the county seat of Santa Clara County to Legal distances. Sacramento, one hundred and thirty miles; to Stockton, eighty miles; to San Quentin, sixty-five miles.

CHAPTER CCCLXXXIV.

An Act to enforce the collection of license taxes.

[Approved March 21, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any person who is required by law to pay a ferry or bridge license tax neglects to pay the same for the period of thirty days after the same is due or payable, the collector of such taxes must notify the District Attorney thereof, who must at once institute proceedings against such person. Ferries and bridges.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER CCCLXXXV.

An Act in relation to interpreters before Grand Juries.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Interpre-
ters.

SECTION 1. The Grand Jury or District Attorney may require by subpoena the attendance of any person before the Grand Jury as interpreter, and the interpreter may be present at the examination of witnesses before the Grand Jury.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER CCCLXXXVI.

An Act to empower the City of Stockton to excavate, widen, and open the Mormon Slough, and provide funds therefor.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority
given.

SECTION 1. The City of Stockton is hereby authorized and empowered, whenever the City Council shall determine so to do by a vote of the members of said Council, to cause to be excavated, widened, and opened the channel of Mormon Slough from the point on said slough known as the Center street bridge, in said city, to a distance of five miles up said slough, said distance of five miles to be surveyed in the present channel.

Annual
appropri-
ations.

SEC. 2. The City Council of said city shall have power to appropriate the sum of ten thousand dollars (\$10,000) in any one year to effect said widening and deepening said slough; and said city is authorized to remove the earth therefrom to such a depth as may be determined by the City Council to be necessary to accomplish the object of which such excavations are projected; but such excavations shall not exceed one hundred and fifty feet in width on each side of the center of the slough for a distance of five miles from said initial points.

Decision
by vote.

SEC. 3. Whenever the City Council shall deem it advisable to expend a sum exceeding ten thousand dollars (\$10,000) in any one year or at any one time, the authority so to do shall be determined by a vote of the legal voters of said city at a special, municipal, or general election, as the City Council may by ordinance determine.

Published
notice.

SEC. 4. Before said excavations or portions thereof shall be commenced, said City Council shall give notice of its intention to enter upon such work for two weeks in some daily news-

paper published in said city; said City Council shall set forth in general terms the amount and extent of the work to be done at any one time.

SEC. 5. The City Council are authorized to cause so much of Excavation said work of excavation to be done at any one time as may be determined by said Council by order or ordinance, to be published in some general newspaper for two weeks in said city.

SEC. 6. The City Council are authorized to determine by Mode. order or ordinance the mode of proceeding to accomplish said work, and to provide means for paying for the same.

SEC. 7. The right to enter upon the land and bed of said Right of slough for the purposes aforesaid shall be acquired in the same entry. manner that lands are condemned for railroad purposes.

SEC. 8. The earth removed from said slough may be disposed of by said Council as they may determine by ordinance.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXXXVII.

An Act to authorize the Board of Supervisors of Humboldt County to provide revenue for certain purposes.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Humboldt County shall, on or before the first Monday in July next succeeding the passage of this Act, in addition to the taxes now required to be levied by law, levy for the purposes mentioned in this section a rate of taxation not to exceed the following: for the purpose of constructing a wagon road around Humboldt Hill, fifteen cents on each one hundred dollars value of property in said county; for the purpose of paying expenses incurred in surveying and marking the boundary lines of said county, twelve [12] cents on each one hundred dollars value of property in the county. Special taxes.

SEC. 2. The Board of Supervisors of said county may, after Road Fund the first day in January, one thousand eight hundred and seventy-three, in addition to other taxes, levy a tax not exceeding fifty cents on each one hundred dollars value of property in said county, for the purpose of creating a special Road Fund.

SEC. 3. The moneys coming into the Fund provided for in section two of this Act shall be used for the purpose of constructing a wagon road or roads in the County of Humboldt, to connect with a wagon road or roads in the County of Mendocino. Construction.

SEC. 4. The moneys coming into the Treasury under the provisions of this Act for the purpose of constructing roads, shall be expended in accordance with the directions of an Act Expenditures.

entitled "An Act concerning roads in the County of Humboldt," approved February fourteenth, eighteen hundred and seventy-two.

SEC. 5. This Act shall take effect from and after its passage.

CHAPTER CCCLXXXVIII.

An Act to authorize P. Henneberry to remove certain bodies to a public graveyard.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Removal
of dead.

SECTION 1. It shall be lawful for P. Henneberry, Superior of St. Joseph's College, near Hydesville, in Humboldt County, in said State, to remove the bodies of all deceased persons buried on the grounds belonging to said college to the public graveyard at Hydesville, in said county, on or after the first day of June, eighteen hundred and seventy-two; *provided*, the friends of said deceased persons shall not have removed the said bodies before that time.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCLXXXIX.

An Act to incorporate the Town of Napa City.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Incorporation.

SECTION 1. The inhabitants of the Town of Napa City and the several additions thereto, in the County of Napa, are hereby constituted a body politic and corporate, under the name and style of the "Town of Napa City," and by that name and style they and their successors shall be known in law and have perpetual succession, and be invested with all the rights and privileges conferred by and be subject to all the liabilities, restrictions, and provisions of an Act entitled an Act to provide for the incorporation of towns, approved April nineteenth, eighteen hundred and fifty-six, so far as the provisions of said Act may be consistent with the provisions of this Act.

SEC. 2. The boundaries of said town shall be as follows: Commencing at the northwest corner of Spencer's Addition, on

Lincoln Avenue; thence eastwardly along said avenue, and ^{Boundaries} including the same, to Francas street; thence southwardly along said Francas street, and including the same, to its intersection with Lawrence street, in Cornwell's Addition; thence at right angles eastwardly to Napa River; thence down said river to the southeast corner of Napa Abajo; thence westwardly along the southerly line of said Napa Abajo to the southwest corner thereof; thence northerly along the westwardly line of Napa Abajo to the southeast corner of Cornwell and Hartson's Addition; thence westwardly along the southerly line of said Cornwell and Hartson's Addition to the southwest corner thereof; thence northerly along the westwardly line of said Cornwell and Hartson's Addition to the northwest corner thereof; thence northerly to the southwest corner of Boggs' Addition; thence northerly along the westwardly line of Boggs' Addition to the southwest corner of Spencer's Addition; thence northerly along the west side of Madison street of said Spencer's Addition to the place of beginning.

SEC. 3. The Board of Trustees of said town shall not have Debt. power to incur any expense exceeding one thousand dollars, unless there be money in the Treasury to pay the same; and in case a greater liability than one thousand, in excess of the money that will be in Treasury to pay the same, is incurred in any one fiscal year, the corporation shall be liable for the same.

SEC. 4. In addition to the Board of Trustees, the officers of ^{Officers.} the town shall consist of a Clerk, Treasurer, Assessor, and Marshal, and no other. The Trustees shall appoint all of said officers, and have power to remove and put others in their stead, when in their judgment the interests of the town may require, except the Assessor and Marshal, who shall be elected at the same time and in the same manner and for the same term as are the Trustees of said town. The Marshal shall be the collector of all the taxes levied by the Board of Trustees. The ^{Compensation.} compensation of the officers shall be as follows: Trustees, each, one dollar per annum; Clerk, Assessor, and Treasurer, such sum each per annum as the Trustees may determine; and the Marshal not to exceed twelve hundred dollars per annum.

SEC. 5. The Board of Trustees shall have power, in addition ^{Powers of Board of Trustees.} to the powers conferred by the general law, to prevent the introduction and spreading of diseases; to establish a system of drainage; to fix and determine the grade of the streets, and to lay out and construct sidewalks in the streets, and to fix and determine the width and height thereof, and may, if they deem it expedient, assess to the owners of the property in front of which sidewalks are laid one half of the cost thereof. Whenever the owners of the major part of the property fronting on any street or avenue desire to improve such street by paving the same, or constructing sewers or otherwise, the Board of Trustees may make such improvements at the expense of all the owners of property on said street, which expense shall be in proportion to the number of feet owned by each.

SEC. 6. The Board of Supervisors of Napa County shall at their meeting next after the passage of this Act, lay off the Town of Napa City, according to the boundaries established by this Act, into a road district by itself, and shall then ascertain

District
road tax.

the amount due by Road District Number Two, of which district the said town now forms a part; and until such indebtedness be fully paid off, they shall continue to levy and collect the district road tax as heretofore, but after said indebtedness is fully paid, then the Board of Supervisors shall no more levy and collect district road taxes in said town. A proportional part of any balance that may remain in the hands of the County Treasurer, after paying said indebtedness, shall be paid over by him to the Treasurer of said town.

Tax for
improve-
ment fund.

SEC. 7. The said Board of Supervisors shall continue to levy and collect the taxes levied and assessed on the taxable property of said town under and in virtue of an Act entitled "An Act to raise a fund for the improvement of Napa City," approved January twenty-fourth, eighteen hundred and seventy, and all Acts amendatory and supplemental thereto, until the indebtedness and liabilities thereby incurred are fully paid; and whenever that is accomplished, any balance of that Fund [that] may remain in the County Treasurer's hands after paying said indebtedness shall be by him paid over to the Treasurer of said town, and then the powers of said Board of Supervisors under said Act shall cease.

First
election.

SEC. 8. Robert Crouch, E. N. Boynton, P. Van Bever, Thomas Earl, and George H. Cornwell, or any three of them, are authorized and required to give at least five days public notice of an election to be held on the first Monday of May, eighteen hundred and seventy-two, for the election of five Trustees, and one Assessor, and one Marshal for the Town of Napa City. They shall also appoint three Judges to act at said election. The three Judges shall give certificates of election to the five Trustees, one Assessor, and one Marshal, having the highest number of votes for said offices.

SEC. 9. This Act shall take effect from and after its passage.

CHAPTER CCCXC.

An Act to transfer to the Board of Supervisors of the City and County of San Francisco the management, control, and direction of the affairs of the Industrial School Department of said city and county.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Deed of
transfer.

SECTION 1. The President of the Board of Managers of the Industrial School of the City and County of San Francisco is hereby authorized and directed to grant, convey, and deliver to the Board of Supervisors of the City and County of San Francisco all and singular the property, both real and personal, now in the possession or under the control of said department, as created under and by virtue of an Act of the Legislature of the

State of California, entitled "An Act to establish the Industrial School Department of the City and County of San Francisco," approved April fifteenth, eighteen hundred and fifty-eight, and the Acts supplementary thereto and amendatory thereof, and he is hereby authorized and directed to make, execute, and deliver to said City and County of San Francisco, all and singular such deeds and instruments in writing, as the act and deed of said department, as may be necessary to carry the provisions of this section into effect.

SEC. 2. From and after the passage of this Act, all and singular the powers and duties now vested in the Board of Managers of said Industrial School, shall be vested in the Board of Supervisors of the said City and County of San Francisco. Said Board of Supervisors shall exercise all the duties and possess all the rights now vested in the Board of Managers of the Industrial School Department, and all present indebtedness and liabilities of said Industrial School Department, and future expenditures and disbursements on account of the same, shall be presented, audited, and paid in the same manner as is now provided by law for the presentment, auditing, and payment of other claims against said City and County of San Francisco; *provided*, that the current expenses of such Industrial School shall only be audited and paid to the extent of four thousand five hundred dollars (\$4,500) per month. Powers and duties of management.

SEC. 3. The purposes and objects of said Industrial School shall hereafter be the same as are now provided by law for the Industrial School Department of the City and County of San Francisco; *provided*, that persons who may be convicted of offenses mentioned in section ten of the Act entitled "An Act to establish the Industrial School Department of the City and County of San Francisco," approved April fifteenth, eighteen hundred and fifty-eight, in counties other than San Francisco, may be committed by the proper authorities of such counties to the Industrial School of the City and County of San Francisco, on the approval of the Supervisors of the county in which such persons are committed to said Industrial School, upon payment to the City and County of San Francisco by such counties of the sum of fifteen (\$15) dollars, gold coin, per month for each month that such persons and each of them shall be inmates of said Industrial School. Inmates from abroad.

SEC. 4. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCCXCI.

An Act to provide and pay for services rendered for the City and County of San Francisco.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claims may
be allowed.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to allow the claims for compensation of the Commissioners appointed in and by resolution number six thousand three hundred and seventy-one of said Board, approved January seventh, eighteen hundred and sixty-seven, for the services rendered by such Commissioners under said resolution number six thousand three hundred and seventy-one, at the rate of compensation which shall be certified by the County Judge of said city and county to be just and reasonable, not exceeding the sum of fifteen hundred dollars.

Payment.

SEC. 2. The Auditor of said city and county is hereby authorized and directed to audit said claims for compensation, after their allowance by the said Board of Supervisors as aforesaid, and shall draw his warrant for the amount thereof on the General Fund in the Treasury of said city and county; and the County Treasurer of said city and county shall thereupon pay the amount thus audited out of the General Fund belonging to said city and county.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCXCII.

An Act to provide for the redemption of the funded indebtedness of the City of Sacramento.

[Approved March 25, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Annual
special tax.

SECTION 1. For the purpose of creating a Fund for the redemption of the funded indebtedness of the City of Sacramento, the Board of Trustees of said city are hereby authorized and required to levy annually a special tax of not less than one tenth of one per cent, and not exceeding thirty-five cents on each one hundred dollars upon all the taxable property, real and personal, within the limits of the city, which tax, when levied, shall be collected at the same time and in the same manner as is or may be provided by law for the collection of other

special taxes for municipal purposes in said city, and shall be used and paid out in the manner hereinafter provided.

SEC. 2. All moneys collected under the provisions of this Act shall be paid into the City Treasury, and by the Treasurer set apart and kept as a special Fund, to be known as the Funded Debt Sinking Fund. Special Fund.

SEC. 3. The Treasurer and his bondsmen on his official bond shall be liable for the safekeeping of said Fund, and be responsible for any misapplication or embezzlement of the same by said Treasurer. Safe keeping.

SEC. 4. The money thus paid into the Funded Debt Sinking Fund shall only be paid out by the Treasurer on warrants signed by at least two of the Commissioners of the Funded Debt Sinking Fund, and indorsed "Correct" by the President or acting President of the Board of Trustees of the City of Sacramento. Payment of warrants

SEC. 5. It shall be the duty of the Commissioners of the Funded Debt Sinking Fund, at any time when there shall be a sum of not less than two thousand dollars in said Fund, to advertise for sealed proposals for the purchase of Sacramento City funded bonds with all coupons removed therefrom that are past due. Such advertisements shall be published in such newspapers and for such length of time as the Board of Commissioners shall deem best for the interest of the city, but in no case shall such advertisements be in less than one daily paper in Sacramento and one in San Francisco, nor for less time than three weeks. Purchase of funded bonds.

SEC. 6. The advertisement shall sufficiently designate the time, place, and mode of putting in bids; and when the time for bidding shall have expired, the bids shall be opened by the Commissioners of the Funded Debt Sinking Fund, in the presence of the Trustees of the city; and the said Commissioners shall, in the presence of the Board of Trustees, proceed to examine the bids made, and ascertain those which are in their opinion the most favorable to the interests of the city and accept the same; or if any or all the bids should be at too high a price, the Commissioners may reject all or any portion of such bids; *provided*, that no bids for the Sacramento City Bonds shall be accepted at a higher price than thirty-five cents on the dollar. Consideration of bids.

SEC. 7. In case all the bids are rejected, or such portion of the bids as to leave a surplus in the Sinking Fund, the Commissioners may again advertise for proposals forthwith, either in the manner as first advertised, or they may advertise to take all the bonds that are offered at a certain price, to be named in the advertisement accepting the first offers, until all the money in the Treasury is exhausted; *provided*, that any offers to buy at a fixed price shall be at a lower rate than the lowest rejected bid at the preceding bidding, and not exceeding thirty-five cents on the dollar. Renewed proposals.

SEC. 8. If at any time after any advertisement for the purchase of city bonds and a failure to receive satisfactory bids enough to absorb all the money in the Funded Debt Sinking Fund, it shall be the opinion of a majority of the Commissioners of the said Funded Debt Sinking Fund, and also of a Alternative use of moneys.

majority of the City Trustees, that it will for the time being be impossible to obtain city bonds at a fair price, then the Commissioners may, with the sanction of the Board of Trustees, invest this Fund in any of the various classes of Sacramento County bonds, or in detached coupons of the city bonds, and may pursue the same course in advertising for these, as is prescribed in sections five, six, and seven, and in advertising for city bonds.

Indorse-
ments on
purchased
bonds.

SEC. 9. Whenever the Commissioners shall purchase any of the Sacramento City Funded Bonds they shall cause to be printed on the face of the same these words: "This bond belongs to the Commissioners of the Funded Debt Sinking Fund of Sacramento City; is non-negotiable and totally void in the hands of third parties." They shall also cause to be printed across the face of each coupon the words: "Funded Debt Sinking Fund—not negotiable." The Commissioners shall cause this printing to be done so as to be as permanent and endurable as possible, and any bond or coupon thus printed or marked upon shall be utterly void in the hands of any other person than the Fund Commissioners.

Sale of
county
bonds
bought.

SEC. 10. Any county bonds purchased by the Commissioners may again at their pleasure be sold and converted into money (provided that such sale shall not be at a less rate than that at which they were purchased, except by the unanimous vote of the Commissioners and Trustees), for the purchase of city bonds; and in making sale of said bonds they may either advertise them to be sold to the highest bidder, or employ a broker to sell the same. The product of any such sale, less the broker's commissions, shall be paid over to the City Treasurer to the credit of the Funded Debt Sinking Fund. If any coupons are bought, they shall be properly stamped and remain in the City Treasury until paid in their due course out of the Sinking and Interest Fund of the city, and when so paid the money shall be paid over to the City Treasurer to the credit of the Funded Debt Sinking Fund.

Receipt of
moneys.

SEC. 11. All money payable on any coupons belonging to the Commissioners of the Funded Debt Sinking Fund, either from the City or County Treasury, shall be received and collected by the President of the Board of Commissioners and forthwith paid over to the City Treasurer to the credit of the Funded Debt Sinking Fund, and said President shall take a receipt for the same and file it with the papers of the Commissioners and safely keep the same.

Board of
Commis-
sioners.

SEC. 12. For the purpose of carrying this Act into effect, a Board of Commissioners, to be known as the "Board of Commissioners of the Funded Debt Sinking Fund of the City of Sacramento," is hereby created, to consist of three members, who shall be appointed by the Governor of the State of California, and shall be taxpayers and residents of Sacramento, and shall hold their offices for the period of four years, and until their successors are appointed and qualified to act; *provided*, that the Governor, for any reasons that may be satisfactory to him, may remove any one or more of said Commissioners, and fill all vacancies which may occur in said Board.

SEC. 13. Said Commissioners shall not receive any compensation for their services as such, and while they hold said office they shall neither buy or sell any Sacramento City or County bonds, nor be interested in the purchase or sale of such bonds on their private account. Any violation of this section shall be deemed a felony, and punishable upon conviction by imprisonment in the State Prison for not more than five nor less than one year. Safeguards

SEC. 14. In addition to the powers and duties hereinbefore imposed on said Commissioners, they are hereby authorized to incur all necessary expenses for printing, advertising, stationery, and clerical assistance in carrying this law into effect, and to draw their warrants on the Funded Debt Sinking Fund for the same, which shall be paid out of said Fund by the Treasurer, upon the warrants being indorsed "Correct" by the President or acting President of the Board of Trustees; *provided*, that not more than three hundred dollars per annum shall be paid for clerical assistance. Payment of expenses

SEC. 15. For the year eighteen hundred and seventy-one-two there shall be levied a special tax of one tenth part of one per cent on all the taxable property in the City of Sacramento, which shall be collected and paid over by the Tax Collector of the city in the same manner as the school tax of said city is collected and paid over. And for the year eighteen hundred and seventy-one-two the Board of Trustees shall not levy any other or greater tax than one tenth of one per cent for the Funded Debt Sinking Fund; and the tax provided for in this section shall be collected in the same manner as other taxes, although it may not be entered or extended in the assessment roll before said roll goes into the hands of the Tax Collector for collection. Levy and collection of special tax.

SEC. 16. The Board of Trustees, in levying the tax under the provisions of this Act, shall be governed by the request, in writing, of the Board of Funded Debt Sinking Fund Commissioners, or a majority of said Commissioners, and shall fix the levy at such rate as is by said Board of Commissioners requested, within the limits fixed by the first section of this Act. Rate of taxation.

SEC. 17. This Act shall take effect from and after the day of its passage.

CHAPTER CCCXCIII.

An Act supplemental to an Act entitled an Act to incorporate the Town of Cloverdale, Sonoma County, approved February twenty-eighth, eighteen hundred and seventy-two.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Election of
officers.

SECTION 1. There shall be elected by the qualified electors of the Town of Cloverdale, on the first Monday of May, A. D. eighteen hundred and seventy-two, and every two years thereafter, five Trustees, one Treasurer, one Assessor, and one Marshal, who shall hold their offices for two years, and until their successors are elected and qualified.

CHAPTER CCCXCIV.

An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, passed April first, eighteen hundred and fifty-seven, approved April tenth, eighteen hundred and sixty-two.

[Approved March 23, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repealed.

SECTION 1. Section eight of the above entitled Act is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXCV.

An Act for the protection of fish and game in certain portions of Napa County.

[Approved March 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person to either hunt or fish within any inclosed land in that portion of Napa County

lying east of Napa River, without first having obtained the permission of the owner thereof. Any one so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the County Jail not less than twenty days nor more than three months, or be punished by both such fine and imprisonment. The District Attorney shall receive one half of all fees collected under this Act for prosecuting such offenders; the other half shall be paid into the Common School Fund of the county.

Poaching
prohibited.

SEC. 2. No person shall catch any fish out of the Napa River or out of Milliken or Yajome Creek, so called, in Napa County, at any time within the next two years, by any means or in any manner, or kill or destroy any fish in either of said streams by any means or in any manner. Any person so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the County Jail for not less than twenty days nor more than ninety days, or by both such fine and imprisonment.

Protection
of fish.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCXCVI.

An Act providing for the appointment of a Phonographic Reporter in the County of San Joaquin in certain cases.

[Approved March 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Judge of the County Court of the County of San Joaquin is hereby authorized to appoint a competent Phonographic Reporter, to take testimony in such cases of felony as he may deem necessary which are tried in said Court, also in civil cases; *provided*, that no Reporter shall be appointed in civil cases unless the parties to the suit request the same. At the request of the District Attorney of said San Joaquin County, and upon an order to that effect made in open Court, it shall be the duty of said Reporter to appear before the Grand Jury of said county and take down in shorthand the evidence there given in the cases that may come before it, but he shall first be sworn by some competent officer to take such evidence correctly and keep secret every proceeding of such Grand Jury and the evidence given before the same; nor shall he be present while any vote on any case is taken by such Grand Jury. He shall also, at the request of the District Attorney, appear before the Coroner at any inquest, or before any committing magistrate, in cases of felony, and take down in shorthand the evidence given at such inquest, or any preliminary examination for felony; *provided*, that no fees

The County
Judge may
appoint.

Duties of
Reporter.

shall be paid or charge made against the county for the transcription or writing out in longhand of any evidence so taken before the Grand Jury, Coroner's inquest, or preliminary examination.

Evidence. SEC. 2. The notes of said Reporter shall be taken as prima facie evidence of the testimony given upon any trial when such notes are taken.

Compensation. SEC. 3. Said Reporter shall receive for his services, when actually employed, such compensation as is allowed by law to the Reporters in the District Courts of this State, and in criminal cases such compensation shall be paid by the county.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCXCVII.

An Act to authorize a special tax in Siskiyou and Klamath Counties for the construction of a wagon road from Scott Valley, in Siskiyou County, to Sawyer's Bar, in Klamath County.

[Approved March 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special tax SECTION 1. It shall be lawful for the Boards of Supervisors of Siskiyou and Klamath Counties to levy a tax of not exceeding fifty cents on each one hundred dollars valuation of taxable property in such townships of their respective counties as they shall severally determine on; the revenue arising from such tax to be used only for the construction of a wagon road from the Scott Valley, in Siskiyou County, to Sawyer's Bar, in Klamath County.

Levy and collection. The tax herein authorized, if levied, must be levied, assessed, and collected at the same time and in the same manner as county taxes are levied, assessed, and collected; but this tax must not be levied on the property in any township unless the Supervisor from the Supervisor District in which the township is situated votes therefor.

Expenditure. SEC. 2. The Boards of Supervisors of the counties respectively in which moneys shall be collected under authority of this Act, must expend the same in the construction of a wagon road over the route between the points named in the preceding section, after the same shall have been declared a public highway in pursuance of law. Before any of the money is expended, the Boards of Supervisors of the counties must mutually agree and determine on the route over which the road must be built; and it will not be lawful to expend the money derived from the tax herein authorized, or any portion of it, in building any road on any other route.

Contracts. SEC. 3. The Boards of Supervisors severally may let out such portions of the roads as shall be in their respective counties to be built by contract, or may adopt such other method for their construction as they may think best.

SEC. 4. The money collected from the tax herein authorized must be paid to the Treasurer of the county in which it is collected, and must by him be placed in a separate Fund, to be known as "The Scott Valley and Sawyer's Bar Wagon Road Fund." Separate Fund.

SEC. 5. All claims for money due on contract, or for material furnished or labor done on the "Scott Valley and Sawyer's Bar Wagon Road" must be presented to the Board of Supervisors of the county in which the contract was made, material furnished, or labor done, who must audit the same, and if correct, allow them as claims against the county are audited and allowed. The County Auditor must draw his warrant for all claims so audited and allowed, payable out of the "Scott Valley and Sawyer's Bar Wagon Road Fund," and the County Treasurer on presentation at his office must pay the same. Payment of claims.

SEC. 6. The tax authorized by the first section of this Act must not be levied in any county after the portion of the Scott Valley and Sawyer's Bar Wagon Road situated in the county is built; and any money that may remain in the "Scott Valley and Sawyer's Bar Wagon Road Fund" of the county after such portion of the road is completed must be transferred to the Road Funds of the road districts in which it was collected. Transfer.

SEC. 7. This Act shall take effect immediately.

CHAPTER CCCXCVIII.

An Act to authorize William A. Findley, of Yuba County, State of California, to remove certain bodies to a public graveyard.

[Approved March 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for William A. Findley, of Yuba County, State of California, to remove the bodies of all deceased persons now buried on the grounds belonging to said William A. Findley to the public graveyard, about one mile distant from said William A. Findley's ranch (or farm) in said county and State, on or after the first day of April, eighteen hundred and seventy-two; *provided*, however, that the friends of said deceased persons shall not have removed the said bodies before that time. Removal of the dead

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXCIX.

An Act to provide for the support of the University of California.

[Approved March 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation of not to exceed six thousand dollars per month, for two years.

SECTION 1. It shall be the duty of the Secretary of the Board of Regents of the University of California, on the last day of each month, for the period of two years hereafter, to transmit to the Controller of State a sworn statement of the receipts of the University from all sources of income during the month ending on that day, and of the necessary expenses of the University during the same time; and if the expenses shall exceed the income, it shall be the duty of the Controller to draw his warrant upon the Treasurer of State in favor of said Regents for the deficiency; *provided*, that such warrant shall not be for a sum that, with the amount of income received from other sources for the month, will together amount to more than six thousand dollars per month. The sums necessary to pay said warrants are hereby appropriated from any money in the Treasury not otherwise appropriated, and the Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCC.

An Act to establish a State Printing Office and to create the office of Superintendent of State Printing.

[Approved March 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Office created.

SECTION 1. The office of Superintendent of State Printing is hereby created, and after the first day of December, A. D. eighteen hundred and seventy-five, all printing (except advertising) executed at the expense of the State shall be done under his superintendence, in an office hereinafter provided for.

Superintendent.

SEC. 2. The Superintendent of State Printing shall be appointed and commissioned by the Governor of the State, on or before the first Monday of September, A. D. eighteen hundred and seventy-five, and shall hold office until his successor is appointed and qualified.

Qualification.

SEC. 3. No person other than a competent practical printer shall be appointed Superintendent of State Printing under the provisions of this Act.

SEC. 4. The Superintendent of State Printing, before entering Bond upon the discharge of the duties of his office, shall give a good and sufficient bond to the people of the State of California, in the sum of ten thousand dollars, with two or more sureties, to be approved by the Governor, for the faithful performance of his duties, which bond shall be filed in the office of the Secretary of State.

SEC. 5. The duties of the Superintendent of State Printing shall be as follows: He shall have the entire charge and superintendence of the State printing. He shall take charge of and be responsible on his bond for all manuscripts and other matter which may be placed in his hands to be printed, engraved, or lithographed, and shall cause the same to be promptly executed. He shall receive from the Senate or Assembly all matter ordered by either house to be printed and bound, or either printed or bound, and shall keep a record of the same, and of the order in which it may be received, and when the work shall have been executed he shall deliver the finished sheets or volumes to the office of the Senate or Assembly, or of any department authorized to receive them, whose receipts therefor shall be a sufficient voucher to the said Superintendent of State Printing for their delivery. He shall receive and promptly execute all orders for printing required to be done for the various State officers. He shall employ such compositors, pressmen, and assistants as the exigency of the work may from time to time require, and may at any time discharge such employes; *provided*, that at no time shall he pay said compositors, pressmen, or assistants a higher rate of wages than is paid by employing printers in Sacramento. He shall at no time employ more compositors or assistants than the absolute necessities of the State printing may demand, and he shall not permit any other than State work to be done in the State Printing Office. The Superintendent of State Printing shall, on or before the first day of September of each year, make a report in writing to the Governor embracing a record of the complete transactions of his office.

Duties of Superintendent.

SEC. 6. He shall not, during his continuance in office, have any interest, direct or indirect, in the publication of any newspaper or periodical, or in any printing of any kind, or in any binding, engraving, or lithographing, or in any contract for furnishing paper or other printing stock or material connected with the State printing, and any violation of these provisions shall subject him, on conviction before any Court of competent jurisdiction, to imprisonment in the State Prison for a term of not less than two years nor more than five years, and a fine of not more than one thousand dollars nor more than three thousand dollars, or both such fine and imprisonment.

Prohibition

Penalty.

SEC. 7. If the said Superintendent of State Printing shall corruptly collude with any person or persons furnishing paper or materials, or bidding therefor, or with any other person or persons, or have any secret understanding with him or them, by himself or through others, to defraud the State, or by which the State shall be defrauded or made to sustain a loss, contrary to the true intent and meaning of this Act, he shall, upon conviction thereof in any Court of competent jurisdiction, forfeit his office and be subject to imprisonment in the State Prison

Punishment for fraud or collusion.

for a term of not less than two years, and to a fine of not less than one thousand dollars nor more than three thousand dollars, or both such fine and imprisonment.

State
Printing
Office.

SEC. 8. The Governor, Secretary of State, and Attorney General, acting jointly as a Board for such special purpose, are hereby authorized, empowered, and directed to provide for the Superintendent of State Printing, within convenient distance of the State Capitol, and in the City of Sacramento, a suitable building wherein he may establish the State Printing Office; such building and the ground whereon it stands shall be the property of the State of California; *provided*, the total cost of the building and ground shall not exceed the sum of twelve thousand dollars.

Method of
obtaining
supplies of
paper.

SEC. 9. In July of each year the Superintendent of State Printing shall submit to the State Board of Examiners samples of the various kinds, sizes, and qualities of paper that will probably be required in his office during the year commencing on the then next first Monday in October, an estimate of the probable quantity of each kind, size, and quality that will be so required. Upon being satisfied that the kinds, sizes, quantities, and qualities of paper so suggested will be required, they shall direct the Superintendent of State Printing to advertise for thirty days, in two daily newspapers published in the City of San Francisco and one daily newspaper published in the City of Sacramento, for proposals to furnish such paper or so much thereof as may be required during the year commencing as aforesaid, which bids shall be opened in his office at twelve o'clock M. on the day appointed, in the presence of the said Superintendent and at least two of the State Board of Examiners; and the State Board of Examiners and the said Superintendent of State Printing shall constitute a Board to award the contract to the lowest responsible bidder. No bid shall be considered unless it is accompanied by a bond, with two or more sureties, in the sum of five thousand dollars, payable to the people of the State of California, conditioned that if the bidder receives the award of the contract he will within thirty days enter into bonds in the sum of ten thousand dollars, with two or more sureties, to be approved by the Governor of the State, that he will faithfully perform the conditions of his contract; *provided*, however, that such paper as may be required in the State Printing Office before the above mentioned contract goes into effect shall be furnished by the Secretary of State. If all the bids opened shall be deemed too high by said Board, they may decline them and advertise again. If the second set of bids are considered too high, the said Board may again decline them and authorize the Secretary of State to purchase said paper in open market. The prices paid by the Secretary of State shall in no case be higher than the lowest price at which such paper was offered to be furnished by the bids so rejected.

Ruling,
folding,
and
stitching,
and
binding.

SEC. 10. All ruling, folding, and folding and stitching, and binding required to be executed for the State, shall be done under the supervision of said Superintendent. He shall advertise for thirty days in two daily newspapers published in the City of San Francisco, and one daily newspaper published in the City of Sacramento, specifying the character of the bind-

ing, folding, and stitching to be bid upon, for proposals to do all such folding, folding and stitching, ruling and binding, all of which work shall be done in the City of Sacramento, and on the day appointed he shall, in the presence of the Board of Examiners, open the bids that may be received, and said Superintendent of State Printing and said Board of Examiners shall award said contract to the lowest responsible bidder or bidders therefor.

SEC. 11. The sum of twenty thousand dollars is hereby appropriated out of any unappropriated money in the State Treasury, to be expended by the said Superintendent under the direction of the Governor, Secretary of State, and Attorney General, acting jointly, in the purchase of such printing materials and machinery as may be necessary for the execution in the proper manner of all the State printing. Appropriation for furnishing.

SEC. 12. The sum of twelve thousand dollars is hereby appropriated out of any unappropriated money in the State Treasury, to be expended by the Governor, Secretary of State, and Attorney General in the purchase of a lot and erection of a building to be used for the State Printing Office. Appropriation for building.

SEC. 13. The Superintendent of State Printing shall receive a salary of three thousand dollars per annum, payable monthly out of any money in the General Fund not otherwise appropriated. Salary.

SEC. 14. The office of State Printer is hereby abolished, and all Acts and parts of Acts conflicting with this Act are hereby repealed. Abolishment.

SEC. 15. This Act shall take effect on the first Monday in July, A. D. one thousand eight hundred and seventy-five. But nothing therein contained shall be so construed as to interfere with the office of State Printer during the term for which the present incumbent is elected. Time.

CHAPTER CCCCI.

An Act to empower the City of Stockton to fund its school debt and for school purposes.

[Approved March 26, 1873.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the annual election of city officers to be held in the City of Stockton in May, eighteen hundred and seventy-two, a proposition shall be submitted to the qualified electors for the issuing the bonds of said city for the amount of fifty thousand dollars, for the payment of the present school debt and for school purposes, and notice of such purpose shall be published in the notice calling said election. Vote.

Ballots.

SEC. 2. Ballots shall be prepared by the city authorities sufficient for the purpose with the words "Shall the bonds for school purposes be issued," printed thereon and so arranged that the electors may express their minds thereon by the words "Yes" or "No." If at said election a majority of the votes cast shall be in favor of the proposition, then the bonds as hereinafter provided may be issued. Said votes shall be received, returned, and canvassed as other votes are at said city election.

Bonds.

SEC. 3. The City of Stockton, with the approval of its electors as aforesaid, is hereby authorized to issue the bonds of said city to the amount of fifty thousand dollars; said bonds to be signed by the City Treasurer, countersigned by the Mayor and under the seal of said city, and shall bear interest at the rate of eight per cent per annum, payable semi-annually on the first day of January and July in each year, upon coupons issued therewith and attached thereto and signed by the Treasurer; said principal and interest to be payable in gold coin of the United States at the Treasurer's office of said city. Said bonds shall bear date at the time of their issue, shall be numbered consecutively as issued, and be payable twenty years after date, but said City of Stockton may pay any part or all thereof at any time after ten years from their date.

Tax for and
plan of
redemption.

SEC. 4. The authorities of said city, after the issuance of said bonds, shall in each year, so long as the same remain unpaid, levy a tax sufficient to pay the interest thereon, and in the year succeeding the tenth from their issue shall levy an additional tax sufficient to raise five per cent of the whole amount of said bonds issued, and for the succeeding year following said year shall levy a tax sufficient to raise six per cent of said amount, and for the year following shall levy a tax sufficient to raise seven per cent of said amount, and for the year following shall levy a tax sufficient to raise eight per cent of said amount, and for the year following shall levy a tax sufficient to raise nine per cent of said amount, and for the year following shall levy a tax sufficient to raise ten per cent of said amount, and for the year following shall levy a tax sufficient to raise eleven per cent of said amount, and for the year following shall levy a tax sufficient to raise thirteen per cent of said amount, and for the year following shall levy a tax sufficient to raise fifteen per cent of said amount, and for the year following the last, which will be the tenth from the date of this special tax, and the twentieth of the duration of the bonds, the authorities of said city shall levy a tax of sixteen per cent of said amount. All said taxes shall be levied and collected in the same manner as taxes are for general city purposes, and when collected shall be paid into the City Treasury, to be applied, under the direction of the Council: first, to pay said interest; and second, as a Sinking Fund to redeem said bonds.

Interest.

SEC. 5. If at any time said Interest Fund should prove insufficient, the Common Council may authorize the City Treasurer to draw upon the General Fund of said city, or raise the amount by loan or otherwise.

SEC. 6. Whenever there is money enough in the Sinking Fund, the Council may order a notice for bids for the redemption of said bonds, and shall award the preference to the lowest

rate offered, not above the par value thereof. If no satisfactory bids are offered, then the City Treasurer shall advertise for sixty days in a newspaper published in said city for the redemption of bonds, commencing with the lowest numbered, and so on until the Fund is exhausted; and after said sixty days said bonds so advertised shall cease to draw interest. All bonds and coupons, when paid, shall be canceled and filed in the Treasurer's office, and report thereof made to the Council. Redemption and cancellation.

SEC. 7. Bonds under this Act may be issued to the holders of said school indebtedness in discharge thereof. All moneys raised on said bonds shall be applied to the extinguishment of said school debt, and for buildings and land for school purposes, under the direction of the Common Council of said city. Use of money.

SEC. 8. The bonds issued under the provisions of this Act shall not be negotiated at less than their par value. Sale.

SEC. 9. This Act shall take effect from and after its passage.

CHAPTER CCCCII.

An Act to authorize the Board of Supervisors of the County of Alameda to audit certain claims against the Road Fund of Washington Township, in said county.

[Approved March 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Alameda are hereby authorized and empowered to audit and allow the following claims, payable out of the Washington Township Road Fund, for work, labor, and materials done and furnished upon the road in the Township of Washington, between the first day of June, eighteen hundred and seventy, and April first, eighteen hundred and seventy-one, viz: the claim of Oliver Southwick, for one hundred and eighty-one dollars and fifty cents; the claim of H. G. Ellsworth, for three hundred and eighty dollars; the claim of John Lowrie, for two hundred and fifty dollars; the claim of Thomas Blair, for one hundred and ninety-five dollars and fifty cents; total, one thousand and six dollars. Payment of claims.

SEC. 2. All Acts and parts of Acts in conflict with this Act, so far as they so conflict, are hereby repealed. This Act shall take effect from and after its passage.

CHAPTER CCCCIII.

An Act to authorize the Board of Supervisors of the County of Amador to pay certain moneys to James Carroll.

[Approved March 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary to
be allowed.

SECTION 1. The Board of Supervisors of the County of Amador are hereby authorized to audit and allow the claim of James Carroll in the sum of one thousand and fifty dollars, for services rendered by said Carroll as Supervisor, from the year eighteen hundred and sixty-five to the year eighteen hundred and sixty-seven, both inclusive.

SEC. 2. The Auditor of the county, as soon as such amount shall be audited, shall draw his warrant for the same in favor of the said James Carroll, payable out of the General Fund of the county.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCCIV.

An Act in relation to the Board of School Trustees of Oakley School District, in Sacramento County.

[Approved March 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Indemnity
transfer.

SECTION 1. It is hereby made the duty of the Board of School Trustees of Oakley School District, in the County of Sacramento, to pay over quarterly in each year to the Board of School Trustees of Carson Creek School District, in the County of El Dorado, such sum of money, out of the school moneys apportioned to said Oakley School District, as falls to the share of the children of Hiram E. Barton, a resident of said Oakley School District; *provided*, it appear that the children of said Hiram E. Barton have attended school in said Carson Creek District of El Dorado County during the quarter next preceding the apportionment.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCC.V.

An Act fixing the time and places of holding the District and County Courts in and for the County of Siskiyou.

[Approved March 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms of the District Court of the Ninth District in and for the County of Siskiyou shall be held as follows: At Yreka on the third Monday of January, May, and September of each year; at Lake City on the second Monday of July of each year. District Court.

SEC. 2. The terms of the County and Probate Court of the County of Siskiyou shall be held as follows: At Yreka on the first Monday of January, March, May, September, and November of each year; at Lake City on the second Monday of July of each year. County and Probate Courts.

SEC. 3. For the purpose of holding the terms of the District and County Courts in and for the County of Siskiyou at Lake City, as provided in this Act, the County Clerk, Sheriff, and other officers of said Courts shall, at the time appointed for holding the said terms, proceed to Lake City and officiate the same as if the terms of the several Courts were held at the county seat, and they are hereby authorized to convey to said Lake City all papers and documents and books necessary to be used at the said term. Books and papers.

SEC. 4. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCCC.VI.

An Act in relation to the Board of Education of the City and County of San Francisco.

[Approved March 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby made the duty of the Board of Education of the City and County of San Francisco, during the month of July in each and every year, to make estimates of the amount necessary to be expended during each half of the fiscal year for the following purposes, to wit: for salaries of Estimates.

teachers; for salaries of evening school teachers; for salaries of janitors; for school text books; for stationery and school incidentals; for repairs and carpenter's department; for Census Marshals; for incidentals of Board of Education; for fuel and lights; and the City and County Auditor is hereby prohibited from auditing, and the City and County Treasurer is prohibited from paying, any bills in excess of the estimates so made, under the penalty provided in the second section of this Act.

Limitations.

SEC. 2. In the expenditure of moneys for school purposes during each fiscal year said Board of Education shall be governed by the following limitations: the total amount expended during any fiscal year shall not exceed—for salaries of evening school teachers, ten thousand dollars; for salaries of janitors, twenty-five thousand dollars; for school text books, fifteen thousand dollars; for stationery, pens, ink, and school incidentals, ten thousand dollars; for salaries of School Census Marshals, two thousand dollars; for incidentals of the Board of Education, salaries of clerks and messenger, six thousand dollars. The City and County Auditor and City and County Treasurer are hereby prohibited from auditing and paying any salaries or bills allowed by the said Board of Education in excess of the provisions of this section; and in case said Auditor or Treasurer shall audit or pay any sum or sums in violation hereof, such officer shall be deemed guilty of a misdemeanor, and shall be liable to a fine of double the amount so audited or paid.

Diplomas and certificates.

SEC. 3. Said Board of Education is hereby empowered to issue Normal School diplomas to the graduates of the Normal Department of the High Schools of the City and County of San Francisco, which shall entitle the holder to receive a certificate of at least the second grade from the City and County Board of Examination. Said certificates shall have indorsed on their back the standing in examination of the holder in each of the studies required by law on State certificates. The City and County Board of Examination is hereby authorized to establish a standard of graduation from the Evening Normal School, and to issue certificates in accordance therewith. No certificate except those issued in accordance with law on Normal School diplomas and State certificates of other States shall be a legal certificate, unless it have indorsed upon it the standing in examination as required by State law. Any Superintendent of Common Schools, Auditor, or Treasurer of the City and County of San Francisco who allows, audits, or pays salaries to any teachers not holding legal certificates in accordance with the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be liable to a fine not exceeding one hundred dollars for each offense.

Oaths.

SEC. 4. The Superintendent and Deputy Superintendent of Public Schools and the Secretary of the Board of Education are hereby empowered to administer oaths on any business pertaining to the Department of Public Schools.

CHAPTER CCCCVII.

An Act to protect agriculture and to prevent the trespassing of animals upon private property.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any owner or occupant of any land or possessory claim finding any horse, mare, mule, jack, jennet, horned cattle, sheep, goat, or hog, or any number of such animals, upon such land or possessory claim, having done and doing any damage, whether the said claim be inclosed by a lawful fence or not, may take up and safely keep such animal, at the expense of the owner, for ten days, and shall be allowed for keeping said animals the following named sums: for each horse, mare, jack, or jennet, at the rate of twenty cents per day; and for each head of horned cattle the sum of twenty cents per day; and for sheep, five cents per day; and for goats or hogs at the rate of ten cents per day; *provided*, that no charge to exceed five dollars per day shall be demanded on any number of sheep or goats. Animals trespassing.

SEC. 2. When the owner or owners of such animal or animals are known and reside in or near the township, they shall be forthwith personally notified; but if at a great distance from the place of taking up, a notice of such detention and the reason thereof shall be served by depositing the same, postpaid, in the nearest Post Office, directed to the owner, owners, or agent at the Post Office nearest to his or their residence. When the owner, owners, or agent are not known, and the marks and brands are not to be found on the records, or in the absence of any marks or brands, a complete description of the animal or animals shall be published in one or more newspapers published in the county for thirty days, stating the cause of detention; and if no newspaper be published in the county, then a notice describing the animal or animals and cause of detention shall be immediately posted conspicuously in three public places in the township, and a copy delivered to the Justice of the Peace of each township in said county. Notice to owners.

SEC. 3. If the claimant of such animals comes forward within ten days after the time of such notice and prove them to be their property, the person having taken them up shall deliver them to such claimant or claimants upon their paying all costs, charges, and damages sustained by reason of their trespassing. Claimants.

SEC. 4. If, however, the owners do not come forward within ten days, then the person having taken up such animals shall immediately notify a Constable of the township wherein the trespass has been committed, and said Constable shall proceed to sell at public auction, after giving ten days' notice of such sale by posting notices in three public places in said township, all such animals so taken up; *provided*, however, that the own- Sale at auction.

- ers may prove their property and recover it by paying all costs, charges, and damages at any time before such sale takes place.
- Arbitration** SEC. 5. If the parties cannot agree as to the amount of charges and damages, then each party may choose one disinterested person, and they may choose a third person, who shall determine the amount thereof. Should the owners not come forward, then the Justice of the Peace shall appoint two disinterested persons, and they may choose a third person, to determine the amount. The officer selling shall give a bill of sale to the purchaser, describing the animal or animals sold, the price paid therefor, and stating that it or they were sold by the authority of this Act; and he shall immediately pay over all moneys arising from such sale to the Justice of the Peace of the township wherein such sale took place.
- Proceeds of sale.** SEC. 6. Any overplus of the proceeds of such sale, after satisfying the cost and charges, shall be paid by the Justice of the Peace to the owner of the property, upon the production of satisfactory proof thereto, if demanded within twenty days from the day of sale; otherwise it shall, at the expiration of that time; be immediately paid to the County Treasurer, to be held by him for the term of twelve months, subject to the demands of the owner on production of proof thereto, and at the expiration of that time shall be paid into the School Fund for the benefit of same.
- Marks and brands.** SEC. 7. It is hereby made the duty of the Justice of the Peace of each township to procure from the County Recorder's office a full list of all marks or brands of record in said counties.
- Redeeming before and after sale.** SEC. 8. Any owner or owners of any animal or animals seized under the provisions of this Act may, at any time previous to the sale, demand and shall be entitled to the possession of such animal or animals, or of so many as he may claim, upon his making satisfactory proof of ownership and paying his proportion of the fees, charges, or damages; and after the sale may at any time within three months redeem said animal or animals by producing satisfactory proof of his right thereto; and paying the purchaser the amount of the purchase money, with interest at the rate of three per cent per month.
- Record.** SEC. 9. The Justice of the Peace shall keep a book, which shall be open to public inspection, and shall make a record therein of all sales made under this Act, a description of the animals sold, the price paid, the name of the purchaser, amount of fees and charges, and the amount of surplus money, if any, arising from such sale; and if such surplus money shall be received by the owner of any animal he shall receipt for it on the margin opposite such record; and the Justice of the Peace shall, without fee, give this book over to his successor in office, and also any surplus money in his hands arising from any sale made by authority of this Act, and the receipt of his successor shall be a legal discharge of the retiring Justice of the Peace for all such sums paid.
- Fees.** SEC. 10. The fees of the Justice of the Peace for services under this Act shall be fifty cents for each receipt taken, and twenty-five cents for each description entered in his book; *provided*, that sheep, goats, and hogs shall be described in lots according to marks. For other services, the same as are allowed

under the general fee bill for similar services in other civil actions in their respective counties; and the fees of the Constable for services under this Act shall be the same as are allowed by the general fee bill.

SEC. 11. Nothing in this Act shall be so construed as to prohibit persons driving stock along the public highways from watering said stock at the natural watering places. Privilege.

SEC. 12. Any person who shall drive stock from land other than his own, or to any lands or possessory claims, for the purpose of taking advantage of any provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than three hundred dollars, or be imprisoned in the County Jail not less than ten days nor more than sixty days. Misdemeanor.

SEC. 13. The owner or occupant of lands, whether inclosed or not, upon which damage has been done by any of the animals referred to in section one hereof, may, instead of pursuing the remedy given in this Act, have an action for damages in any Court of competent jurisdiction against the owner of such animal. Alternate remedy.

SEC. 14. If the owner or occupant of land intends to institute proceedings under the preceding section, he must: first, within ten days after the damage was done, cause the same to be viewed and estimated in writing by two residents of the county competent to be a witness on the trial of such actions; second, commence his action within two months after the damage was done. Action.

SEC. 15. Any animal or animals sold under the provisions of this Act shall not be removed from the county until after the expiration of the time given for redemption in section eight. Removal.

SEC. 16. Any of the counties of this State not included in this Act, except such as are hereinafter named, are hereby authorized to submit the question to the people in the following way: whenever a petition, signed by one hundred qualified electors of the county, shall be presented to the Board of Supervisors, said Board shall cause to be entered in the journal of their proceedings a copy of said petition, and shall submit to the qualified electors of said county, at the next general election thereafter, the proposition whether or not this Act shall apply to that county; and the notice of said election and the object thereof shall be published in all of the newspapers published in the county, if any there be; and if no newspaper be published in said county, then by posting notice thereof in three of the most public places in each of the townships of the county for one month next prior thereto; *provided*, that nothing in this Act shall be so construed as to be applicable to the Counties of Amador, Butte, Mendocino, Trinity, Siskiyou, Mariposa, Calaveras, El Dorado, Fresno, Kern, Tulare, Tehama, Shasta, Humboldt, Klamath, Del Norte, Sacramento, Los Angeles, San Luis Obispo and Santa Clara, and San Diego, Nevada, Colusa, Sonoma, Solano, Yolo, Santa Cruz, Monterey, Placer, and Alpine; and *provided* further, that no election as prescribed in this section shall be held prior to the general election in the year one thousand eight hundred and seventy-three, in the County of Sutter. Adoption of this Act may be submitted to a vote.

- Ballots.** SEC. 17. The voting at such election shall be by ballot, and those voting in favor of the county coming under the provisions of this Act shall have written or printed on their ballots the words, "Trespass Law—Yes;" those voting in opposition shall have written or printed on their ballots the words, "Trespass Law—No."
- Result.** SEC. 18. The said ballots shall be returned, counted, and canvassed in the same manner as the ballots at the general election for State and county officers are returned, counted, and canvassed; and if a majority of all the votes cast on said proposition should be "Trespass Law—Yes," then this Act shall immediately take effect in the county so voting.
- Exemption** SEC. 19. This Act shall apply to the following counties: San Francisco, San Mateo, Alameda, Yolo, Contra Costa, Marin, Napa, Merced, San Joaquin, Solano.
- Repealed.** SEC. 20. An Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of Los Angeles, and in the County of San Diego and part of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, so far as the provisions of the same apply to the County of Monterey or any part thereof, is hereby repealed.

CHAPTER CCCCVIII.

An Act to reincorporate the City of Vallejo.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Boundaries** SECTION 1. The corporate limits of the City of Vallejo shall be as follows: Commencing at a point where Magazine street intersects with the water front; thence along the south side of Magazine street to the east side of Sixth street; thence along Sixth street to the south side of Benicia Avenue; thence along Benicia Avenue to the east side of Ninth street; thence along Ninth street to Solano Avenue; thence running northerly along Contra Costa street until the same meets the northern line of section eighteen in township three north, range three west, of Mount Diablo meridian; thence west along the United States section line to a point in the Bay of San Pablo one half of a mile distant from the general western shore line of Mare Island and the salt marsh; thence southerly, in a line parallel with said shore line, to the center of the Straits of Carquinez, and following up the center of the Straits of Carquinez to a point due south of the point of beginning; and thence in a straight line to the point of beginning. The streets and avenues herein mentioned have reference to the map of the City of Vallejo drawn by E. H. Rowe in the year eighteen hundred and sixty-eight.

SEC. 2. The people of the City of Vallejo shall be a body politic and corporate, under the name and style of the City of Vallejo, and by that name shall have perpetual succession; may sue and be sued; may purchase and hold lands within its limits for the use of its inhabitants; may make such contracts and hold such personal property as may be necessary to the exercise of its powers; may make such orders for the disposition or use of its property as the interests of its inhabitants require; may levy and collect such taxes for purposes under their exclusive jurisdiction as are authorized by this Act or by the general laws, and may have a common seal, and may alter it at pleasure.

Incorporation.

SEC. 3. The government of said city shall be vested in a Board of Trustees, to consist of seven members, a City Marshal, who shall be ex officio Tax Collector, City Recorder, City Assessor, City Clerk, City Treasurer, City Attorney, City Surveyor, and such other officers as may be deemed necessary by the said Board of Trustees.

SEC. 4. On the third Monday in March, A. D. eighteen hundred and seventy-three, and every two years thereafter, a charter election shall be held, at which the legally qualified electors of said city, residents thereof, shall elect seven Trustees, a City Treasurer, and City Assessor, who shall hold their offices for the term of two years, and until their successors are duly elected and qualified. The Board of Trustees shall appoint all other officers provided for in this Act, and shall fix the compensation to be allowed all officers, other than Trustees, for their services.

Elections.

Appointments.

SEC. 5. The present Trustees of said city, and two additional Trustees, to be elected from and by the qualified voters of South Vallejo Election Precinct, at an election to be ordered by the present Board of Trustees within thirty days after the passage of this Act, shall constitute the Board of seven Trustees herein provided, and they, together with all the present city officers, shall hold office until the first Monday in September, eighteen hundred and seventy-three; and until their successors are duly elected or appointed and qualified.

Trustees.

SEC. 6. It shall be the duty of the Board of Trustees to issue their proclamation for all city elections, giving at least ten days notice thereof; to designate the times and places of holding the same, and to appoint for each polling place one Inspector and two Judges of Election, who, together with two Clerks, to be appointed by them, shall act as officers of the election, and shall take the oath prescribed by law for Inspectors, Judges, and Clerks of State and county elections; and all provisions of law regarding elections for State and county officers shall apply so far as practicable to elections under this Act. The polls for all elections shall be opened at eight o'clock A. M. and continue open until sunset of the same day. In case any of the officers so designated shall fail to attend, those attending, with the electors assembled, shall fill their places by appointing other competent persons from among the qualified electors present; and all returns of city elections shall be made out and signed by the officers of such election in the usual form and be deposited with the City Clerk. And the persons having the plurality of the votes cast for each of the respective offices voted for shall be declared duly elected; and no person who is

Regulations of elections.

not a qualified voter of said city shall be eligible to any office under this charter, nor shall any person be entitled to vote at any city election unless he shall be an elector for State and county officers and shall have actually resided within the city thirty days next preceding such election.

Organiza-
tion of
Board of
Trustees.

SEC. 7. The members of the Board of Trustees must assemble within ten days after their election, and choose a President and Vice President from their number, and some suitable person as Clerk. They shall by ordinance fix the times and places for holding their stated meetings, and may be convened by the President at any time; and all meetings of the Board of Trustees shall be held within the city limits.

Quorum.

SEC. 8. At the meetings of the Board a majority of the Trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously by ordinance may have prescribed.

Duties.

SEC. 9. The Board of Trustees shall judge of the qualifications, elections, and returns of their own members and of the other officers elected under the provisions of this charter, and determine contested elections of all city officers. They may establish rules for their own proceedings, punish any member or any other person for disorderly behavior in their presence, and with the concurrence of five of the Trustees expel any member. They shall keep a journal of their proceedings; and at the desire of any member shall order the yeas and nays to be taken on any question, and entered on the journal.

Powers.

SEC. 10. The Board of Trustees shall have power:

First—To divide the city into a convenient number of wards, not less than three, fix the boundaries thereof, and may change the same from time to time as they see fit. The number of wards in the city shall not exceed the number of Trustees, and whenever the city shall be so divided into wards, the Board shall designate the number to be elected from each, and the Trustees so designated shall be elected by the voters resident in such ward.

Second—To create such offices as may be necessary, in addition to those provided in this charter, to prescribe the duties of all appointed city officers, and to fix the compensation of all city officers other than Trustees.

Third—To manage the finances and property of the city.

Fourth—To levy and collect for revenue purposes of the city, taxes on all property, real and personal, in said city made taxable by law for State purposes, not exceeding one and one half per centum per annum upon the assessed value of such property.

Fifth—To borrow money upon the faith of the city; but no loan shall be made except in the manner hereinafter provided.

Sixth—To levy and collect a special tax on all property, real and personal, in said city made taxable by law, for the payment of all interest moneys on any or all sums borrowed by virtue and authority of and in accordance with the provisions of this Act.

Seventh—To levy and collect for street improvements, a tax

not exceeding one per cent on the taxable property of the city, Powers, which shall be known as the "Street Fund."

Eighth—To make special assessments of taxes for altering, widening, filling up, grading, graveling, or otherwise improving any street, alley, or public ground of the city, amounting to the whole cost of such improvement upon the real property situated upon either side of the street, alley, or public ground of the city to be improved.

Ninth—To levy and collect taxes, to lay out, extend, alter, or widen streets and alleys, and make appropriations for any other object of city expenditures.

Tenth—To levy upon each able-bodied man between the ages of twenty-one and fifty years a road poll tax of two dollars.

Eleventh—To license and regulate hacks, cabs, carts, omnibusses, railway cars, and all other vehicles, butchers, porters, pawnbrokers, peddlers, showmen, and junk shop keepers, theaters, and all other places of public amusement.

Twelfth—To provide for licensing any or all business not prohibited by law, and fix the amount of license tax for the same.

Thirteenth—To grant licenses and franchises in the manner provided by law for Boards of Supervisors of counties for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, and piers within the limits of said city.

Fourteenth—To regulate the streets, alleys, wharves, piers, and chutes in the city, and the use thereof, and to prevent the obstruction of the waters of Napa Bay or Creek within the limits of said city.

Fifteenth—To provide for the draining, grading, paving, improvement, and repairs of the streets and alleys, and the construction of sidewalks, drains, and sewers therein, and keeping the same in repair, and the cleaning of the drains and sewers, and the prevention and removal of obstructions on the sidewalks, and on all streets, alleys, and public grounds of the city.

Sixteenth—To provide for lighting, watering, and cleaning the city, and protecting it against fire and establishing fire limits.

Seventeenth—To establish a grade of the streets and alleys of said city; *provided*, that after a grade is once adopted by said Board, the same shall not be thereafter changed by said Board; and *provided* further, that the grade heretofore adopted by said Board shall be and is hereby established as the grade of the streets and alleys of said city.

Eighteenth—To order sidewalks and sewers to be laid down through any street or alley of the city; and in case the owners of the land in front of which such sidewalk is ordered to be laid, or the owners of the land on each side of the street through which a sewer is ordered to be constructed, shall fail to construct the same within the time prescribed by the Board, then the said Board shall cause the same to be done in the same manner as is provided in this Act for doing the street work, and the cost of such sidewalk shall be assessed upon the land fronting thereon, and the cost of such sewer upon the land upon each side of the street through which said sewer is constructed, and shall constitute a lien thereon.

Powers.

Nineteenth—To require any land or building to be cleansed at the expense of the owner or occupant, and upon his default may do the work and assess the expense upon the land or building.

Twentieth—To establish and regulate a Police Department.

Twenty-first—To establish and regulate a Fire Department.

Twenty-second—To make by-laws and ordinances not repugnant to the Constitution and laws of the United States or of this State.

Twenty-third—To regulate the keeping and use of animals, and the keeping and use of gunpowder and other dangerous substances.

Twenty-fourth—To suppress gaming, gambling houses, and other disorderly houses, nuisances of every description, and all kinds of vice and immorality.

Twenty-fifth—To establish or authorize slaughterhouses and markets, and regulate the same.

Twenty-sixth—To prohibit the burial of the dead within the city, except at such places and in such manner as the Board may determine, and to authorize the disinterment and removal of any remains temporarily interred within the city limits; *provided*, that the same shall be decently reinterred.

Twenty-seventh—To prevent and restrain any riot or disorderly assemblage in any street, alley, or public place of the city.

Twenty-eighth—To remove from the immediate vicinity of the inhabited parts of the city all slaughter houses, hog pens, hay-stacks, brick kilns and yards.

Twenty-ninth—To impose penalties for the violation of city ordinances; but no single penalty must exceed a fine of five hundred dollars, or imprisonment for sixty days, or sentence to labor on the public streets for thirty days.

Thirtieth—To impose and appropriate fines, penalties, and forfeitures for breach of ordinances.

Thirty-first—To establish a Board of Health to prevent the introduction and spreading of diseases.

Thirty-second—To establish and maintain poorhouses and hospitals.

Thirty-third—To grant to any gas or water company the privilege of laying down pipes in the streets and alleys of said city for supplying gas and water for the streets and alleys and buildings therein, for a term not exceeding twenty-five years; *provided*, that in exercising their authority the Board of Trustees must reserve the right to grant similar privileges to other companies, and require the laying down of the pipes to be subject to the reasonable discretion of the city authorities.

Thirty-fourth—To do and perform all other acts and things required by law, not in this section enumerated, or which may be necessary to the full discharge of the duties of the chief executive authority of the city government.

Gas and water.

SEC. 11. The Board of Trustees may contract with gas and water companies for supplying the streets and public buildings with all gas and water necessary for their proper use. The rates to be paid therefor must not be fixed for a term exceeding five years, and the city authorities must reserve the right to abrogate such contract whenever gas or water is offered to be supplied at two thirds of such fixed contract price.

SEC. 12. The Trustees shall succeed to all the rights, titles, Succession. interests, possessions, credits, and immunities, liabilities, debts, and obligations, in law or in equity, that shall be enjoyed or owned by the Board of Trustees of the City of Vallejo at the time of the taking effect of this Act.

SEC. 13. All contracts for building, repairing, or other work, Contracts. or for furnishing materials, for an amount exceeding one hundred dollars, which the Trustees are authorized to make for the city, shall be by them let to the lowest bidder. Before making any contract exceeding in amount one hundred dollars, for building, repairing, or other work, the Trustees shall first advertise for sealed proposals, for at least two weeks, in a newspaper published in the city, and all proposals shall be opened in the presence of the bidders. No Trustee shall be interested, directly or indirectly, in any city contract:

SEC. 14. The Trustees shall fix by ordinance, each year, the Taxes. amount of taxes to be levied and collected for current expenses.

SEC. 15. The Board of Trustees, or a committee of their members appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessments, and after ten days public notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they or a majority of them shall deem just and proper. Said meeting shall be held for six consecutive days, and no longer. Equalization.

SEC. 16. The Marshal, Treasurer, Assessor, Clerk, and Recorder, and all other city officers, before entering upon the duties of their office shall take the oath of office prescribed by law, and shall also give a bond, with securities to be approved by the Board of Trustees of said city, payable to the City of Vallejo, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their offices as required by law. Should the bond of any city officer become insufficient he shall be required to give additional security within ten days, as the Board of Trustees may require, not exceeding the amount required by ordinance. Upon his failure to do so at the time fixed, his office shall be declared vacant, and a new election be ordered, or the vacancy filled by appointment as herein provided. Official oaths and bonds.

SEC. 17. Should any of the officers herein mentioned fail to qualify and give the bond required for the period of ten days after receiving official notice of their election, the office shall be deemed vacant, and the same shall be filled as provided in this Act. Failure to qualify.

SEC. 18. If any vacancies shall occur in any of the elective Vacancies. offices created under this Act at any time more than six months previous to the regular election held under this Act, the same shall be filled by special election to be called by the Board of Trustees for that purpose, by giving five days notice thereof. Should such vacancy occur six months or less previous to any regular election the same shall be filled by the Board of Trustees.

Filing. SEC. 19. The official bond of every officer named in this Act shall be filed with the President of the Board of Trustees.

Exempt. SEC. 20. All officers of the City of Vallejo, elected or appointed under the provisions of this Act, shall be exempt from jury duty.

President of Board. SEC. 21. The President of the Board of Trustees shall preside at all meetings. He shall communicate to the Board all such information as he possesses, and make such recommendations in regard to the affairs of the city as he may deem expedient at such meetings. He shall make a semi-annual report and statement on the first Monday of January and July of each year of the receipts and expenditures of the preceding six months, specifying upon what account such expenditure and receipt was had, embodying also his views and recommendations as to the city affairs, and shall cause the same to be published.

Vice President. SEC. 22. The Vice President, in the absence of the President, shall have all the power and perform all the duties of President of the Board of Trustees.

Ordinances SEC. 23. Until the Board of Trustees shall pass such ordinances as may be required by this Act, the ordinances heretofore passed by the acting Board of Trustees shall be legal and effectual as if passed under this Act, and the same shall be enforced by the city officers until others in their stead shall be passed by the Board of Trustees and published. All ordinances adopted by the Board of Trustees shall be published in the manner prescribed by the said Board.

SEC. 24. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all members elected.

Claims and demands. SEC. 25. All demands that shall lawfully arise against the city, in order to be entitled to payment, shall be presented to and allowed for such amount as shall be deemed just by the Board of Trustees; and no bill, demand, or warrants shall be paid out of the City Treasury unless the same be allowed by the Board of Trustees, signed by the President of said Board and countersigned by the Clerk, and shall specify out of what funds or appropriations the same shall be paid; *provided*, that the provisions of this section shall not apply to any bonded indebtedness of said city.

Debt. SEC. 26. The said city shall not contract any debt the amount of which, inclusive of the debts outstanding, shall exceed two hundred and fifty thousand dollars.

City credit. SEC. 27. The said city shall not in any manner loan or give its credit to or in aid of any person or corporation unless it shall be expressly authorized by law so to do.

Temporary loans. SEC. 28. No temporary loan shall be made by said city, except in anticipation of the taxes to be assessed and collected for the then current fiscal year, and the amount of any such temporary loan shall be included in the ordinance fixing the amount of taxes to be levied; *provided*, that if the annual tax levy shall have been already fixed by the ordinance prior to the time such temporary loan shall be made, the amount of such loan shall be included in the next succeeding levy of annual taxes.

SEC. 29. No funded or permanent debt must be contracted by the city except for a specific purpose expressly stated in the ordinance proposing it, nor unless such ordinance was passed by two thirds of all the members of the Board of Trustees, after notice is given of the meeting and purpose as provided in the succeeding section. Permanent debt.

SEC. 30. Whenever it is proposed to contract a debt as provided in the preceding section, the Board must give notice of the proposition and of the meeting at which action will be had thereon at least three weeks, as other notices are required to be given by the Board; and if at such meeting a remonstrance against such proposed loan is presented, signed by one third of the taxable citizens of the city, the ordinance must not be adopted until an election has been held, at which only the taxable citizens shall vote, and a majority of the votes cast at such election have been in favor of contracting the said debt. Voting on proposed debt.

SEC. 31. Special elections held pursuant to the preceding section must be held and conducted in every respect in conformity with such regulations as may be provided by ordinance by the Board of Trustees. Special elections.

SEC. 32. The Board of Trustees shall have power and authority in the manner provided in sections twenty-nine, thirty, and thirty-one of this Act to effect loans not to exceed in the aggregate the sum of two hundred and fifty thousand dollars, gold coin, on the credit of said city, which shall constitute an Improvement Fund, and to secure the payment of such loan shall have power and are hereby authorized and directed to issue in the name of the city its negotiable bonds, to be made payable in not less than thirty years, and to bear interest at a rate not to exceed seven per cent per annum, principal and interest to be payable in gold coin of the United States, and in effecting such loan shall advertise their proposition for the loan in a newspaper published in the said city, and in some other newspaper published in the City and County of San Francisco, for the period of at least thirty days, and shall therein invite proposals to be made for the loan, at the end of which time the Board of Trustees shall, in open meeting of the Board, announce the terms of all proposals offered, and may accept the highest bid therefor to any amount not exceeding the said sum of two hundred and fifty thousand dollars, and issue and deliver the bonds therefor, together with coupons for the annual interest to accrue on the same; *provided*, that no bond shall be issued for a less sum than one thousand dollars, or sold or disposed of for a sum less than ninety cents on the dollar, in gold coin, of the par value of such bond. If no offer equal to ninety per cent of the par value of said bonds shall be made within the said thirty days, publication of the notice may be continued until the bonds can be so negotiated. Improvement Fund.

SEC. 33. The bonds mentioned in the last preceding section shall be issued in the name of and as the bonds of the City of Vallejo, and shall need only to recite the ordinance authorizing and directing the issuance thereof. They shall be signed by the President of the Board of Trustees and by the Treasurer of said city, under the corporate seal of the city, and the coupons for interest shall be signed by the Treasurer. Bonds.

Disburse-
ments.

SEC. 34. All moneys loaned on the faith of said bonds, or received on the sale or disposal thereof, shall be paid into the City Treasury, and shall be designated and known as the Improvement Fund, and shall be disbursed under the direction of the Board of Trustees for improvements in said city under and pursuant to the provisions of this Act.

Verity of
bonds.

SEC. 35. The said bonds, when so issued as hereinbefore provided, shall import absolute verity, and be of conclusive binding force and effect as the obligation of the said city, and shall not be open to any attack or defense by said city for any alleged irregularity in the proceedings of the Board of Trustees in authorizing the issuance of or in the disposition of the same; and the provisions of this section shall be made the rule of pleading and evidence between any holder of such bonds and the said city and the taxable inhabitants thereof in any action, suit, or proceeding touching the enforcement or collection thereof.

Tax for
payment
of bonds.

SEC. 36. To anticipate and pay the yearly accruing interest on said bonds and to provide for the payment of the principal, the Board of Trustees shall include in the yearly ordinance fixing the amount of taxes to be assessed and collected the sum of the said yearly interest, and such additional per cent on the dollar of the amount of said bonds, each and every year after the date of the issuance of such bonds, inclusive, as the Board may deem expedient. After the payment by the Treasurer of the annual interest on said bonds, from year to year, as the same shall accrue and become due and payable, the remainder of the sum so herein directed to be assessed and collected by tax shall be passed and kept by said Treasurer to the credit of and as a Sinking Fund with which to redeem, pay off, and satisfy said bonds.

Redemp-
tion.

SEC. 37. As often as the sum of ten thousand dollars shall accumulate in the hands of the Treasurer to the credit of the said Sinking Fund, said Treasurer is hereby authorized, under the direction of the Board of Trustees, to redeem bonds to that or any less amount at par, if redemption thereof shall be requested by the holders of such bonds, or if the surrender of the bonds can be induced by offer of the Board of Trustees to make redemption thereof. And in case holders of bonds refuse to offer them for redemption before the said bonds become due and payable, after the Board of Trustees shall have first published a notice to holders thereof in a newspaper published in said city for a period of at least thirty days, offering to redeem an amount of such bonds equal to any sum there may then be in the hands of the Treasurer to the credit of the Sinking Fund; and if no bonds, or not sufficient thereof, shall be offered for redemption to exhaust the amount of money which shall then be to the credit of the said Sinking Fund, the Board of Trustees may loan the said moneys at a rate of interest not less than seven per cent per annum, payable annually, on mortgage of real estate situate within said city, which shall be unincumbered and shall be of the actual value of twice the amount of money loaned on it, exclusive of the value of any buildings thereon; *provided*, that no such loans shall be made to run beyond the period fixed for the payment of said bonds.

SEC. 38. When the owners of a major part of the property fronting on any street, alley, or avenue desire to improve such street, alley, or avenue by filling, grading, planking, or paving the same, constructing sewers, constructing sidewalks, or otherwise, and shall petition the Board of Trustees to that effect, the said Board of Trustees shall cause such improvement to be made as requested at the expense of all the owners of property on the street, alley, or avenue, divided among them in proportion to the number of feet front owned by each; and *provided*, that when the owners of a major part of the property fronting on any portion of a street, alley, or avenue lying between any two cross streets shall desire to improve the same as above mentioned, it shall be done in the same manner, and the expense shall be borne by all the owners of property fronting on that portion of the street, alley, or avenue thus improved, in proportion to the number of feet front owned by each. Whenever the owners of a major part of the property fronting on any street, alley, or avenue, or portion of the same, shall have petitioned the Board of Trustees to improve the same as above provided, they may, if they see fit, within five days after the opening of the bids for the performance of said work, notify the Board of Trustees of their intention to make such improvements themselves; and in such case they shall be permitted to do so at the contract price, on giving a good and sufficient bond with the same conditions which would be required of a contractor.

Streets and
sidewalks.

SEC. 39. Whenever any petition shall be presented to the Board of Trustees as provided in the preceding section, it shall be the duty of the Board to cause an immediate survey of the proposed improvements to be made by a competent surveyor, who shall in specifications give the proper grade and the amount of excavation or filling required in front of each lot, or if the improvements only extend to the sidewalks, then he shall give the grade and the amount of the excavation or filling to the sidewalk. Upon the approval of the survey and specifications of the surveyor by the Board of Trustees, they shall order the said improvements as petitioned for to be made, and shall advertise for making the same in accordance with the specifications, and shall let the contract to the lowest responsible bidder, reserving to themselves the right to reject any and all bids.

Survey,
specifica-
tions, and
contracts.

SEC. 40. The assessments for any such improvements made by the Board of Trustees upon petition as aforesaid, shall be made by a Board of Commissioners of Assessment, to consist of any three members of the Board of Trustees, whose assessment shall be entered in the journal of the Board. In making such assessment they shall apportion the aggregate expense among the several property owners on the line of improvement in proportion to the number of front feet on said line respectively owned by them. Any person dissatisfied with the assessment made by the Board of Commissioners may appeal therefrom within ten days after entry of the same on the journal, to the Board of Trustees, whose decision shall be final.

Commis-
sioners of
Assessment

SEC. 41. Every assessment made on the adjacent lands for the improvement of any street, alley, or avenue according to the provisions of this Act, shall, from and after the making of such

Assess-
ments are
liens upon
lands.

assessment, be a lien upon the land so assessed and each several parcel thereof; and have the force of a judgment and execution against the same, and such land may be sold for the payment of the sums due thereon; *provided*, however, that there shall be no sale of the delinquent property until at least thirty days shall have elapsed from the presentation of the bill of assessment to the owner or agent of the property as hereafter provided, if such owner or agent be known; and if they be not known or are non-residents, until the bill of assessment, with the description of the property and notice of the sale, in case of default, shall be published in some newspaper printed in the City of Vallejo at least once a week for three successive weeks; *provided* also, that notice of the sale be given in some newspaper published in said city thirty days previous to the sale, specifying the time and place thereof; and in no case shall more of the land be sold than will bring an amount sufficient to cover the assessment and expenses of making and collecting the same. Proof of all notices shall be a copy of the same, with the affidavit of the officer or party making them that they have been made or published, as the case may be, which shall be full proof of the fact. Lands sold for any assessment under the provisions of this Act shall be subject to redemption in the same manner and under the same conditions as real estate sold under execution under the general laws of this State, and not otherwise; *provided*, that the redemption money shall be paid into the City Treasury for the use of the purchaser.

Separate
certificates
to
contractors

SEC. 42. Whenever any such improvement shall have been made as aforesaid, the Board of Trustees shall make out from the assessment thereon separate bills or accounts against the respective lands and their owners liable for the same, certifying such bills or accounts under the hand of the Clerk and seal of the corporation, and deliver the same to the contractor or contractors who have performed the work or made the improvement, who shall be authorized to collect and receipt for the same if paid on presentation, and if not so paid the contractor or contractors shall return the same to the Board of Trustees, who shall proceed to collect the same by a sale as aforesaid; but in case of any deficiency arising on any sale of land as aforesaid, the owner shall not be personally liable therefor, and in no case shall the city be liable to any contractor or contractors for making any such improvement, further than to use due diligence to collect the accounts as aforesaid when not paid to the contractor.

Deeds.

SEC. 43. And in every case of sale there shall be a deed made to the purchaser by the officer making it at the expiration of six months from the time of such sale, if there be no redemption as hereinbefore provided. Such deed shall be made in the name of the owner if known, and if not known, in the name of the city, by such officer in virtue of the authority by which he makes the same. The City Marshal shall make all sales under the provisions of this Act.

Street
squares.

SEC. 44. Whenever any street, alley, or avenue, or any portion of the same shall be improved on petition of the property owners as aforesaid, it shall be the duty of the Board of Trustees to improve all intervening street squares on the line of said improvement in like manner, and cause the necessary street cross-

ings to be laid. The expense of the same shall be borne by the city and be paid out of the Street Fund.

SEC. 45. The Board of Trustees shall have power and jurisdiction to order the grading, paving, or planking of any street, alley, or avenue which shall not have been before graded, paved, planked, or sewered; or continue or extend the work on any street, alley, or avenue which may have been partially graded, paved, planked, or sewered, and the construction of sewers and the laying down of sidewalks in such street, alley, or avenue, and to pay the cost and expense thereof out of the Improvement Fund; *provided*, that the said Board of Trustees shall first give notice of its intention to make such improvement, which notice shall be published at least ten days in some newspaper published in said city; and *provided*, that at least two thirds of the owners in frontage of lots and lands fronting on such street, alley, or avenue shall not remonstrate in a written protest against the making of the proposed improvement within three days after the completion of the publication of such notice of intention. In case such remonstrance shall be made the improvement shall not be made until after the expiration of six months, and then only after publication of the like notice of intention as aforesaid.

Improvements may be ordered.

SEC. 46. The Board of Trustees shall also have power and jurisdiction, and are hereby authorized and empowered, to lay out and open new streets, alleys, and avenues within the corporate limits of said city, whenever the owners of more than one half in frontage of lots and lands through which such new streets, alleys, and avenues will run petition for the same; *provided*, that the right of way shall first be donated, dedicated, or granted to the city or to the public for public use; and shall have power and jurisdiction to cause any such new street, alley, or avenue to be piled, graded, planked, paved, or macadamized, and to construct all convenient and necessary sewers and sidewalks, and cause the cost and expense thereof to be paid out of the Improvement Fund; *provided*, that the said Board shall first publish notice of its intention to make the improvement, as provided in the last preceding section.

New streets.

SEC. 47. It is hereby declared to be the intention of this Act, any provision herein expressed or contained to the contrary notwithstanding, that the expense of all street work and improvements in the nature of repairs of streets, alleys, and avenues in the matter of grading, paving, planking, sewerage, and sidewalks in, upon, over, or along any street, alley, or avenue heretofore improved, shall be charged and collected by assessment on the lots and lands fronting on such street, alley, or avenue, or property benefited by such repairs.

Intention of this Act declared.

SEC. 48. It shall be the duty of the Recorder, and he is hereby authorized and required to take cognizance of all offenses against the laws of this State committed within the corporate limits of said city, and of all breaches of the city ordinances. And all fines imposed by the City Recorder or Justices of the Peace and collected for any breach of the peace or violation of any city ordinance shall be paid into the City Treasury for the use and benefit of the city. The Justices of the Peace of Vallejo

City Recorder.

Township shall have concurrent jurisdiction with the City Recorder in all causes and proceedings of which he has cognizance under this Act.

City
Marshal.

SEC. 49. The City Marshal, in addition to the duties prescribed by the Board of Trustees, must return and execute all process issued by the City Recorder, or directed to him by any legal authority, and attend upon the Recorder's Court regularly; and must perform all the duties of Collector of city taxes, licenses, assessments, and road poll tax. For the purpose of collecting all taxes and assessments the City Marshal is hereby invested with all the powers conferred by law on the Collectors of State and county taxes. He may appoint one or more deputies, and must arrest all persons guilty of a breach of the peace, or of the violation of any city ordinance, and bring them before the City Recorder for trial, and has superintending control over the city police. The City Marshal shall also have all the powers conferred by law on Sheriffs of counties in criminal proceedings. The head road tax ordered to be collected within the limits of said city by the Board of Supervisors of Solano County shall be collected by the City Marshal of said city and paid into the City Treasury, to be expended within said limits for street purposes.

City
Treasurer.

SEC. 50. The City Treasurer must receive all moneys belonging to the city, and all other moneys by law directed to be paid to him, whether received from taxation or otherwise, and pay the same out on the certificate of the President of the Board of Trustees, and do and perform all other acts as are prescribed for him by the Board of Trustees. He shall receive all moneys paid over to him by the County Treasurer of Solano County; and the said County Treasurer of Solano County shall, as soon as the same is collected, pay over to the City Treasurer of the City of Vallejo such portion of the Road Fund of said county as shall have been collected upon property within the corporate limits of the said city, which moneys shall constitute a part of the Street Fund of said city; and it is hereby made the duty of the County Assessor of Solano County to specify in his returns all property within the limits of the City of Vallejo. The Treasurer shall, on the first days of January, April, July, and October of each year, make out and present to the Board of Trustees a full and complete statement of the receipts and expenditures of the preceding three months, which statement the Board must cause to be published.

City
Attorney.

SEC. 51. The City Attorney must attend to all suits, matters, and things in which the city may be legally interested; must give his advice or opinion in writing whenever required so to do by the Board of Trustees, and do and perform all such things tending his office as by the Board of Trustees may be required of him. All remedies provided by law for the collection of delinquent State and county taxes and licenses shall apply and be in force for the collection of all delinquent city taxes and licenses.

City Clerk.

SEC. 52. The City Clerk is Clerk of the Board of Trustees and keeper of the city seal; must keep the journal of their proceedings and all records of the city. He must keep the accounts of the city, and countersign all warrants on the City Treasurer,

keep a true account thereof and of the financial condition of the city, and do such other things as the Board of Trustees may by ordinance provide. The City Clerk is hereby authorized to administer oaths and to certify the same.

SEC. 53. The Assessor, in addition to the duties prescribed by the Board of Trustees, must make out, between the first Monday in April and the first Monday in August in each year, a correct list of all the taxable property within the city limits, with the valuation thereof, which list, certified by him, must be returned to the Board of Trustees. The mode of making out the lists and of ascertaining the value of property and of collecting all taxes and licenses is the same as prescribed by law for assessing and collecting the State tax. The Assessor may appoint a deputy. City Assessor.

SEC. 54. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 55. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCIX.

An Act to amend an Act entitled an Act to authorize the issuance of bonds by the County of San Luis Obispo to erect county buildings, and to provide a site for the same, approved April four, eighteen hundred and seventy.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of said Act is hereby repealed. Repealed.
 SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCX.

An Act for the relief of certain parties holding property on Market street, in the City and County of San Francisco.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Commissioners provided for in the section fifteen of an Act entitled "An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade Market street in said city, from the intersection of

Credits
allowed to
the value of
contract
performed.

said street with Valencia street to its intersection with Seventeenth street, and to condemn private property for the roadway of said street," approved April second, eighteen hundred and seventy, are hereby authorized and empowered to ascertain and determine the value, in United States gold coin, of the work done upon Market street aforesaid, between the aforesaid points of intersection, by William Ware and John N. Risdon, under contract between the said city and county and John N. Risdon, being contract number four thousand eight hundred and forty-nine, and being dated November eighth, eighteen hundred and sixty-five, and to add the amount so ascertained and determined to be the value of the work so done by the said William Ware and John N. Risdon to the amount by the said Commissioners determined to be the value of the work done upon the said Market street by one Peter Connolly, under the provisions of section eighteen of the aforesaid Act, approved April second, eighteen hundred and seventy; and upon the basis of the amount so aggregated, being the amounts determined to be the value of work done on said Market street by the said Connolly and by the said Ware and Risdon, they are hereby authorized and empowered to proceed to make the assessments in said Act provided to be made by them; and in case of so doing, it shall be the duty of said Commissioners to allow the said William Ware and John N. Risdon a credit or deduction from the assessment made against them as the owners of Mission Addition block number twenty-two, in said city and county, equal to the sum so added to the sum so determined to be the value of work done by one Peter Connolly; *provided*, the said Ware and Risdon shall not be allowed a credit in excess of their assessment for said Mission Addition block number twenty-two.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCXI.

An Act to amend an Act entitled an Act concerning estrays and animals found running at large in the County of Santa Clara, passed April twenty-seventh, eighteen hundred and sixty-three.

[Approved March 27, 1872.]

The People of the State of California represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Estrays.

Section 1. Any person finding at any time an estray horse, mare, mule, jack, jennet, or any estray cattle, sheep, hogs, or goats, or any number of such animals upon his farm, land, or other premises, or any person finding any or all such animals running at large upon any public street, road, lane, alley, avenue, highway, square, or other public thoroughfare, whether

the owner of such animals are known or unknown, may take the same up and proceed therewith as hereinafter directed; and no person shall remove such animals from the possession of the taker up or from the possession of the officer into whose hands they may be placed for the purpose of sale, except as hereinafter provided. Any of the above named animals herded or found grazing upon any public street, road, highway, avenue, alley, or public square, or upon private property, without the consent of the owner thereof, whether accompanied by a herder or not, shall be deemed and held to be estrays and animals running at large within the meaning of this Act, and shall be dealt with as hereinafter provided, and be subject to the penalties herein named.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Section 2. The person taking up such animals shall confine the same in a secure place, and shall post notices containing a description of the animals taken up, with the marks and brands, if they have any; a statement of the place of finding, and the place where the same are confined, as follows: One notice at the door of the school house situated in the school district where the animals are found; one at the door of the nearest Post Office; and shall file one with the County Recorder of Santa Clara County. If the mark or brands of the owner or owners of such animals is recorded in the County Recorder's office of said county, the Recorder thereof shall, within two days after the filing of such notice, deposit a copy thereof in the United States Post Office, postage prepaid, and address to such owner at his place of residence, if the same be known. If such animals be owned by a corporation or association, such notice may be directed and addressed to any officer of such corporation or association. The County Recorder shall receive and be entitled to charge for his services the following fees, to wit: For filing the notice, fifty cents; for serving the copy thereof, as herein provided, one dollar; for searching the records of brands, the sum of fifty cents. If the owner of the animals posted as above provided fails to appear within ten days after depositing such notice in said Recorder's office, prove his property, and pay to the taker up the following damages, to wit: for every sheep, the sum of one dollar; for every hog or goat, the sum of two dollars; and for other animals mentioned in this Act, the sum of four dollars per head; also, the fees of the County Recorder, then the taker up of such animals may give notice to any Constable of the county of the posting of such animals. The giving and posting of the notices in this section mentioned shall be held to be directory, and no irregularity in giving or posting such notices, nor in the form thereof, shall invalidate or vitiate a sale of such animals as provided in this Act, nor impair the right of the taker up to hold such animals, nor prevent the recovery of the damages herein named.

Notifica-
tion to
owners.

SEC. 3. Section seven of said Act is hereby repealed.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall take effect on the day of its approval.

CHAPTER CCCCXII.

An Act to empower the Trustees of Mountain View Cemetery Association to mortgage a portion of the lands belonging to such association.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Promissory
note and
mortgage
authorized.

SECTION 1. The Trustees of Mountain View Cemetery Association of Oakland, Alameda County, a corporation duly organized under the laws of this State, are hereby authorized and empowered to borrow a sum not exceeding ten thousand dollars for the purposes hereinafter specified, and to secure the payment of the sum so borrowed to make, execute, and deliver, in the name and on behalf of such association, a promissory note or bond, and execute a mortgage, to secure said note or bond, on the whole or part of the lands and real estate owned and held by said association in said county, excepting such portion thereof as has been surveyed and subdivided into lots or plats, avenues, paths, alleys, and walks, and which said portion so surveyed and subdivided has been delineated on a map or maps, and the same filed in the Recorder's office of said County of Alameda. The mortgage as herein provided shall be executed by said Trustees in like manner as conveyances of lots to lot owners in said cemetery as now provided in the general law to authorize the incorporation of rural cemetery associations.

Redemp-
tion of
bonds.

SEC. 2. It shall be the duty of said Board of Trustees to apply the money so borrowed to the payment of the floating indebtedness of said association and to the redemption of the bonds issued in part payment of the purchase price of said tract of land, and with the balance to erect a vault or tomb, and otherwise improve the grounds and property of said association now in use for cemetery purposes.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCCXIII.

An Act concerning the office of Treasurer of Sierra County.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Assessor
shall be
Treasurer.

SECTION 1. The Assessor of Sierra County shall, on and after the first Monday of March, A. D. eighteen hundred and seventy-four, be ex officio Treasurer of said county, and shall receive as Treasurer a salary of five hundred dollars per annum, and shall

also receive for his own use all mileage allowed by law, and the compensation allowed by this Act shall be in full for all services required of him by law or by virtue of his office as Treasurer.

SEC. 2. Nothing in this Act contained shall be so construed as to affect the salary or perquisites of the office of Assessor.

CHAPTER CCCCXIV.

An Act concerning the fees and salaries of certain officers in the County of Sonoma.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff and the Sheriff as ex officio Tax Collector, and the Recorder of the County of Sonoma, who shall be elected in the year eighteen hundred and seventy-three, and their successors, shall quarterly render to the Board of Supervisors of said county a statement of all fees of office received by them for the preceding quarter, under oath, giving the items thereof. Quarterly statements.

SEC. 2. The Board of Supervisors shall cause the statement so made to be examined and verified and shall correct the same, and shall by order duly entered require each of said officers to pay into the County Treasury, for the use of the General Fund, twenty-five per cent of the gross receipts of such official fees. Percentage of fees.

SEC. 3. From all claims and demands against the county for services rendered by said officers for said county, which are made by law a county charge, presented to the Board of Supervisors for allowance, the Board, after finding the same correct and fixing the amount thereof, must by order duly entered deduct twenty-five per cent from the gross amount thereof, and order a warrant for the residue only; and twenty-five per cent of the Tax Collector's fees for collecting taxes and licenses must be by him in like manner paid into the County Treasury, to the credit of the General Fund. Of claims for services

SEC. 4. The office of any officer named in the first section of this Act who neglects or refuses to make the quarterly report herein required, or who for the space of ten days after the order of the Board of Supervisors fails to make the payment herein required, may by the Board of Supervisors be declared vacant and a successor appointed, who, on filing the bond and taking the oath of office, must enter into the office of such defaulting officer, and discharge the duties thereof for the unexpired term. Penalty for neglect.

SEC. 5. The Auditor of Sonoma County elected in the year eighteen hundred and seventy-three shall receive in full for all

services as such officer, from the County Treasurer, the sum of nine hundred dollars, to be paid in quarterly installments.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXV.

An Act to repeal an Act concerning roads and highways in the County of Sierra, approved March twenty-fifth, eighteen hundred and seventy.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repealed. SECTION 1. An Act entitled an Act concerning roads and highways in Sierra Township, County of Sierra, approved March twenty-fifth, A. D. eighteen hundred and seventy, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCXVI.

An Act to provide for the establishment of a public highway and ferry on the San Joaquin River, in the County of Stanislaus.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public highway. SECTION 1. The Board of Supervisors of Stanislaus County may lay out and establish, in the manner now provided by law, in said county, a public highway above high-water mark, from the county seat of said county to the most practicable point on the San Joaquin River, between the mouths of the Merced and Tuolumne Rivers; thence across said stream in a southwesterly direction for the distance of two miles.

Proposals for construction. SEC. 2. The Board of Supervisors of said county shall, for the purpose of constructing said public highway above high water mark, cause to be advertised in a weekly newspaper published in said county, for at least thirty days, a notice to receive sealed proposals and bids for the construction of said public highway as aforesaid. The Board of Supervisors shall, after giving said notice, let to the lowest responsible bidder or bidders the contract to build and construct said public highway, on condition that said contractor or contractors shall execute a good and sufficient bond in double the amount of his or their

bids to construct said public highway above high-water mark in a skillful and workmanlike manner, which bond shall be approved by the County Judge of said county; *provided*, however, that nothing in this section shall prohibit the Board of Supervisors from rejecting any and all bids which, in their judgment, may be too high in price for the construction of said public highway as aforesaid.

SEC. 3. The Board of Supervisors of said county may, when-
Ferry.
ever in their judgment the public convenience requires it, grant to any suitable and proper person or persons the right to establish and run a ferry on said public highway at the crossing of the San Joaquin River, in the manner now provided by law for the granting of ferry licenses, and upon the same conditions other ferry licenses are granted in said county; *provided*, that the rates of toll fixed by the Board of Supervisors shall not exceed the minimum price charged by any other ferry in said county.

SEC. 4. The Board of Supervisors of said county shall, im-
mediately after awarding the contract to construct and build
said public highway above high-water mark to any person or
persons, appoint one disinterested and competent Commissioner
to critically inspect and examine the material used and work
done on said public highway, and report the result of such
examination to the Supervisors, or any one of them; and if
it shall appear from such report or otherwise to said Board of
Supervisors that the material used in the construction of said
public highway is not of a good and substantial character, and
that the same is not built in a skillful and workmanlike manner,
and in strict conformity with the contract made and entered into
between the Board of Supervisors on behalf of said County of
Stanislaus and said contractor or contractors, said public high-
way shall not be received by said Board of Supervisors nor
their duly appointed Commissioners for said purpose.

Commis-
sioner to
examine
material
and work.

SEC. 5. For the purpose of obtaining funds to construct said
public highway above high-water mark, and keeping the same
in good repair, the Board of Supervisors of said county may,
prior to the first Monday of April, A. D. eighteen hundred and
seventy-two, and each and every year thereafter, at the same
time of levying other county taxes, levy a tax not to exceed
twenty-five cents on each hundred dollars worth of taxable
property in said county, as shown by the assessment roll of the
previous year, which tax shall be annually assessed and col-
lected in the same manner as State and other county taxes are
assessed and collected, until the debt created under the pro-
visions of this Act for the construction of said public highway
above high-water mark is fully paid.

Special tax

SEC. 6. The Board of Supervisors of said county may fix
the number of days in each month the Commissioner mentioned
in this Act shall be employed in the inspection of the work on
said public highway, who shall receive a compensation for his
services not to exceed five dollars per diem, payable out of the
moneys collected under the provisions of this Act.

Compensa-
tion of
Commis-
sioner.

SEC. 7. The County Auditor of said county shall draw all

Payments. warrants on the County Treasurer of said county for all claims allowed by the Board of Supervisors of said county under the provisions of this Act, and the same shall be paid by said Treasurer out of any moneys received by him as herein provided. Said warrants shall bear interest from the date of their issuance, at the rate of seven per cent per annum, until fully paid.

SEC. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 9. This Act shall take effect from and after its passage.

CHAPTER CCCCXVII.

An Act to add additional sections to the Political Code.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following section is added to Chapter III, Title IX of Part III of the Political Code:

Rolling
stock of
railroads.

Section 3663. Where the railroad of a railroad corporation lies in several counties, its rolling stock must be apportioned between them, so that a portion thereof may be assessed in each county, and each county's portion must bear to the whole rolling stock the same ratio which the number of miles of the road in such county bears to the whole number of miles of such road lying in this State.

SEC. 2. The following section is added to Chapter VIII, Title IX of Part III of the Political Code:

Collectors
of taxes.

Section 3830. In every county in this State where any officer other than the Assessor is charged with the collection of taxes upon personal property not a lien upon real property, such officer must, until after the expiration of the term of the present incumbent, discharge the duties cast upon the Assessor under the provisions of this Chapter.

SEC. 3. This Act, and sections thirty-six hundred and sixty-three, and thirty-eight hundred and thirty of the Political Code, as above enacted, shall be in force from and after the passage of this Act.

CHAPTER CCCCXVIII.

An Act for the relief of purchasers of State lands.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. When application has been made to purchase Title vested lands from this State and payment made to the Treasurer of the proper county for the same, in whole or in part, and a certificate of purchase or patent has been issued to the applicant, the title of the State to said lands is hereby vested in said applicant, or his assigns, upon his making full payment therefor; *provided*, that no other application has been made for the purchase of the same lands prior to the issuance of said certificate of purchase; *provided* further, that this Act shall not apply to school lands Limitation. except to the amount of three hundred and twenty acres to any one purchaser.

SEC. 2. When part payment only has been made for lands sold by this State and certificates of purchase issued for the same, and said lands have been subsequently sold under execution and a Sheriff's deed issued therefor, the Register of the State Land Office is hereby directed to issue to the grantee named in said deed or to his assigns a patent for said lands, upon his producing and surrendering said Sheriff's deed and assignment, if any there be, and making full payment to the State for said lands. Patent to grantee under Sheriff's deed.

SEC. 3. Whenever the State has issued a certificate of purchase for any land sold as swamp and overflowed, and the United States has sold and issued a patent for the same land, and the title of the United States is held and owned by the purchaser from the State or his assigns, or where the land so purchased from the State shall prove not to have been its property, the amount paid to the State for such land shall be refunded to such purchaser or his assigns, and the Board of Supervisors of the county in which the land is situated shall draw a warrant on the Treasurer of the county for such amount, and the said Treasurer shall pay the same out of moneys in the Swamp Land Fund of the county credited to such purchaser. Restitution of purchase money.

SEC. 4. The provisions of this Act shall not apply to any lands within the County of San Diego, or within five miles of the City and County of San Francisco, or within five miles of the City of Oakland, or within one and a half miles of the State Prison at San Quentin. Exceptions

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCIX.

An Act to amend an Act entitled "An Act to incorporate the City of Marysville," approved March third, eighteen hundred and fifty-seven, and Acts amendatory thereto.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Boundaries
extended.

SECTION 1. The limits of the City of Marysville are hereby extended so as to include within its boundaries all that certain territory situated within the County of Yuba, and lying east of and adjoining the territory comprised within the present limits of said City of Marysville, described as follows: Commencing at the present eastern boundary line of said city, at a point north of the road leading from said city to Brown's Valley, in said county, where the levee intersects said eastern boundary line, and running thence easterly to the north line of said road, where the said levee intersects said road; thence along the north line of said road to a point opposite to the point where the levee constructed by J. W. Briggs and others commences; thence crossing said road to said last named levee; thence along the said levee to the north bank of the Yuba River; thence along the north bank of Yuba River to the south line of the road leading from the Simpson Bridge to the City of Marysville; thence along the south line of said last named road to a point where said road intersects the present eastern boundary line of said City of Marysville.

Levees.

SEC. 2. The Common Council of said City of Marysville shall have power to build, construct, and keep up a levee around said city, or such portion or part thereof as to them from time to time may seem necessary or expedient, and of such a character, size, and height as they may deem proper; and may from time to time extend and repair the same in such manner and to such extent as to them may seem most advantageous for the protection of the whole or a part of the city from overflow or injury from water; and for such purpose may cause to be assessed and collected, in the same manner and at the same time as the general taxes of said city are assessed and collected, such taxes as may be necessary.

Contracts.

SEC. 3. All contracts let under the provisions of this Act for the construction, enlargement, or extension of any levee shall be let to the lowest responsible bidder, after giving twenty days notice thereof in the city official newspaper of said city; and when any contract is awarded such person shall enter into a bond, with good and sufficient sureties, in a sum to be fixed by said Common Council; and such bond shall be approved by the Common Council of said city.

Condition.

SEC. 4. Any contract entered into for the construction of any work under the provisions of this Act shall specify the time in which it shall be completed.

SEC. 5. Whenever any specific portion of the work under

contract shall have been completed, and such portion has been Payments. approved by the City Engineer and said Common Council as being in accordance with the terms of the contract, the said Common Council shall order the City Clerk to draw his warrant on the City Treasurer, payable out of the Levee Fund, for the amount of the account so approved, which shall be paid out of said Levee Fund, and none others; and such warrants shall be countersigned by the Mayor, and from the time of their presentation to the City Treasurer for payment until paid shall bear interest at the rate of ten per cent per annum. The City Treasurer shall keep a register of said warrants in the order of their presentation for payment, and if there be no money in his hands belonging to said Levee Fund, he shall indorse upon the back of said warrant the date of presentation for payment, with the reason why it is not paid, and thereafter pay the same in the order of presentation.

SEC. 6. All taxes collected under the provisions of this Act by the City of Marysville shall be paid over to the City Treasurer and be by him kept in a separate and distinct Fund by itself, to be known as the Levee Fund; and when there shall be sufficient money in said Levee Fund to redeem warrants drawing interest and payable therefrom, the said City Treasurer shall give notice in the official paper of said city for twenty days that he is ready to redeem said warrants issued prior to a certain date (naming the date), specifying the amounts; and after the expiration of said notice said warrants shall cease to bear interest; and when any of said warrants are paid the interest thereon shall be stated separate and distinct from the principal, and when a warrant is not presented for payment within thirty days after the expiration of said notice, the money set aside for the payment of such warrant shall be applied to the redemption of unpaid warrants next in order of registry. Levee Fund.

SEC. 7. All property, both real and personal, within the boundaries of any levee erected or constructed under the provisions of this Act, shall be subject and liable to taxation for levee purposes. Taxation.

SEC. 8. All taxes levied and collected under the provisions of this Act shall be paid in gold coin of the United States.

SEC. 9. All parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 10. This Act shall take effect from and after its passage.

CHAPTER CCCCXX.

An Act to provide funds for the City of Oakland.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Bonds.** SECTION 1. The City Council of the City of Oakland are hereby authorized to issue and sell bonds of the City of Oakland to an amount not exceeding eighty thousand (80,000) dollars, payable in gold coin of the United States at the office of the City Treasurer in the City of Oakland, on or before the first day of July, one thousand nine hundred and three, and bearing interest not to exceed the rate of eight per cent per annum, and payable quarterly on the second days of October, January, April, and July, in gold coin of the United States at the office of the City Treasurer of said city.
- Description** SEC. 2. Said bonds shall be in sums of not less than five hundred dollars nor more than one thousand dollars, and in such quantity of each as said Council may elect, and shall be signed by the Mayor and Treasurer of said city, and shall have the seal of the city affixed thereto, attested by the City Clerk. Coupons for the interest shall be attached to each bond signed by the Treasurer of said city.
- Conditions precedent to sale.** SEC. 3. Before the sale of said bonds the City Council shall, at a regular meeting of the Council, cause to be entered upon the records of said Council an order directing the sale of a specified amount of said bonds, and the day and hour of such sale, and shall cause an order of such sale to be inserted in a newspaper printed and published in said city, and in other papers if they shall deem the same expedient and proper, for at least twenty days, and a notice that sealed proposals will be received by said Council for the purchase of said bonds. On the day and hour named in said order the said Council shall open all sealed proposals received by them, and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that the Council may reject any and all bids; *provided* further, that no bonds shall be sold for less than ninety cents in gold coin on the dollar, par value.
- Record.** SEC. 4. The amount of bonds sold, their number and dates, shall be entered upon the records of said Council, in a book kept for that purpose.
- Proceeds.** SEC. 5. The proceeds of the sale of said bonds shall be paid into the City Treasury to the account of the several Funds hereinafter named, and shall be used and expended for the purposes hereinafter named, and no other.
- Oakland City Wharf Fund.** SEC. 6. Twenty thousand dollars of the proceeds of the sale of said bonds may be set apart as the "Oakland City Wharf Fund," and may, if the Council so determine, be used and expended in the building and constructing a wharf and storehouses thereon, and furnishing materials therefor, on the property of the City of Oakland, situated in said city, in the County

of Alameda, being a strip of land and land covered with water, four hundred and twenty feet wide, at the foot of Webster and Franklin streets, in said city, and extending into the San Antonio Creek three hundred and eighty feet, and more particularly described in a deed of conveyance from the Oakland Water Front Company to the City of Oakland, dated January twelfth, one thousand eight hundred and sixty-nine; which Fund shall not be used for any other purpose, and the balance of the proceeds of the sale of said bonds shall be placed to the account of the Salary Fund and the General Fund, in such amounts as the Council shall order, and shall be used to pay the current expenses of the city government, and in completing the City Hall, if the City Council shall see fit to finish and complete the same.

Salary and
General
Funds.

SEC. 7. For the payment, within thirty years, of the principal and interest of the bonds issued under this Act, the City Council are hereby authorized and it shall be their duty to levy annually, at the same time and in the same manner as other city taxes are levied, a tax on all the taxable property in said city, and to fix the rate per cent of such tax, over and above the amount provided in the City Charter Act, April twenty-fourth, one thousand eight hundred and sixty-two, sufficient to pay the interest on all bonds sold and unredeemed, as hereinafter provided; and the Fund derived from this tax shall be set apart and applied exclusively to the payment of the interest of the bonds herein provided. And in the year one thousand eight hundred and ninety-three, and annually thereafter, in addition to the tax for the payment of interest as aforesaid, a tax not exceeding ten (10) per cent on each one hundred dollars shall be levied as aforesaid, to create a Fund for the final redemption of the principal of said bonds at the time when they shall become due; and the faith and credit of the city is hereby pledged for the prompt payment of the bonds issued by the said city as herein provided, and the final and complete redemption thereof; and any money so received by taxation shall not be applied or used for any other purpose than as herein provided. The money raised by taxation by virtue of this Act shall be set apart and called the Sinking Fund of the City of Oakland.

Levy of
annual tax
to pay
interest.

Tax for
redemption

SEC. 8. On the first day of February, one thousand eight hundred and ninety-three, and on every year thereafter, whenever there remains in the Sinking Fund aforesaid the sum of two thousand dollars more than will pay the interest due on the following April and July as herein provided, the City Treasurer shall advertise for one month in one daily newspaper in the City of Oakland for sealed proposals, to be opened in ten days after the expiration of such publication by the City Treasurer, in the presence of the President of the Council, for the surrender of bonds issued under this Act; which advertisement shall state the amount of money he has on hand for the purposes of redemption, and they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand is exhausted; *provided*, however, that in case a sufficient amount of such bonds shall not be offered as aforesaid to exhaust the Sinking Fund as

Manner of
redeeming.

appropriated to the payment of the principal of said bonds, then it is hereby made the duty of the City Treasurer to advertise in a daily newspaper within the City of Oakland for three months; which advertisement shall state the amount in the Sinking Fund appropriated for the payment of bonds as provided in this Act, and the number of bonds, numbering them in the order of their issuance, which said Fund is set apart to pay and discharge; and if such bonds so numbered in such advertisement shall not be presented for payment and cancellation within ten days after the expiration of the publication of said notice, then said Fund shall remain in the Treasury to discharge such bonds, whenever presented; but such bonds shall not draw interest after such publication as last aforesaid.

Duty of
Treasurer.

SEC. 9. The City Treasurer shall keep a full and particular account and record of his proceedings under this Act, and of the bonds issued, sold, surrendered, and redeemed; and he shall transmit to the Council an abstract of all his proceedings under this Act with his annual report.

Payment
of interest.

SEC. 10. It shall be the duty of the City Treasurer to pay the interest on said bonds, when the same falls due, out of the money in the Sinking Fund appropriated to the payment of interest thereon; and if said Interest Fund be not sufficient, then to pay the deficiency out of the General Fund.

Prepara-
tion.

SEC. 11. Immediately on the passage of this Act the City Treasurer shall provide suitable bonds under this Act, under the direction of the City Council, at the expense of said city.

Special tax

SEC. 12. The first payment of interest on said bonds shall be on the second day of October, A. D. one thousand eight hundred and seventy-two; and the City Council are hereby authorized, by ordinance, to levy a special tax sufficient to pay the interest on said bonds in the same manner as other city taxes are levied, but at a different time than now provided by law, when, in their judgment, the same is necessary and expedient.

SEC. 13. This Act shall take effect and be in full force on and after its passage.

CHAPTER CCCCXXI.

An Act to amend an Act entitled "An Act to regulate the fees and salaries of officers and defining their duties in the County of El Dorado, and other matters relating thereto," approved March fifth, eighteen hundred and seventy.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Assessor.

Section 3. At the general election to be held in the year eighteen hundred and seventy-three, and every two years there-

after, there shall be elected a County Assessor, who shall be ex officio Tax Collector of State and county taxes on real and personal property, and ex officio Collector of poll taxes and State and county business licenses. Assessments shall be made by the County Assessor, who shall qualify and give bonds as hereinafter provided, and shall receive in full compensation for services of himself and deputies the sum of one thousand dollars per annum, payable out of the Salary Fund of the county; *provided*, that the Board of Supervisors shall retain and withhold from the said Assessor the sum of three hundred dollars of said amount until the Assessor shall file with the Clerk of the Board of Supervisors a statement that he has fully complied with all laws relating to his office, made out all lists, statistical tables, and other papers required to be by him made out, and that the same have been filed with the proper officers, which statement shall be verified by his oath. The Assessor, as ex officio Collector of poll taxes and State and county business licenses, shall be entitled to receive for the collection of poll taxes fifteen per centum on the total amount collected for his own use and benefit. For every business license sold he shall demand and be entitled to receive as a fee the sum of one dollar, fifty cents of which shall be for his own use and benefit, and fifty cents thereof shall be paid into the county Salary Fund. The Assessor, as ex officio Collector of taxes on real and personal property, shall receive for the collection of State taxes, except taxes for school purposes, six per cent on the first ten thousand dollars collected; four per cent on all over ten thousand dollars and under twenty thousand dollars, and two per cent on all over twenty thousand dollars, which shall be for his own use and benefit. For the collection of county taxes, except taxes for school purposes, he shall receive fifteen per cent of the amount collected, which he shall pay into the county Salary Fund, and which shall become a part of said Fund. The Assessor elected at the general election in the year eighteen hundred and seventy-three, and every two years thereafter, shall, as ex officio Tax Collector, on the first Monday of each month, make a full statement with the County Treasurer and County Auditor. He shall first pay over all moneys collected by him for property taxes, poll taxes, and State and county business licenses, less his fees for collection, to the County Treasurer, and take from said Treasurer receipts in duplicate for the same:

Tax
Collector
ex officio.

First—The amount paid to said Treasurer for the money collected for property taxes.

Second—The amount paid to said Treasurer for money collected for State and county business licenses that shall have been issued to him by the County Treasurer, designating how much is received for each class and kind.

Third—The amount paid to said Treasurer for money collected for poll taxes.

Fourth—The total receipts. One of said receipts the Collector shall forthwith deliver to the Auditor, and shall settle with said officer.

SEC. 2. Section four of said Act is hereby repealed.

SEC. 3. Section five of said Act is hereby amended so as to read as follows:

Sheriff.

Section 5. At the general election to be held in the year eighteen hundred and seventy-three, and every two years thereafter, there shall be elected a Sheriff, who shall be ex officio County Treasurer. The Sheriff shall receive, in full compensation for the services of himself, Under Sheriff, deputies, Jailor or assistants, the sum of three thousand five hundred dollars per annum, payable out of the Salary Fund of the county, and mileage as provided in the Act to which this Act is amendatory. The Sheriff, as ex officio Treasurer, for his services as such shall receive the sum of five hundred dollars in addition to his salary as Sheriff, and he shall be subject to and governed in all respects as is provided for the Treasurer, and in addition to his bond as Sheriff shall give as ex officio Treasurer the bond hereinafter provided for the Treasurer.

Treasurer
ex officio.

SEC. 4. Section six of said Act is hereby amended so as to read as follows:

County
Clerk.

Section 6. At the general election to be held in the year eighteen hundred and seventy-three, and every two years thereafter, there shall be elected a County Clerk, who shall receive the sum of three thousand dollars per annum, payable out of the Salary Fund of the county, to include all services rendered as County Clerk of the District Court, Clerk of the Probate Court, and as ex officio Recorder, Auditor, Clerk of the Board of Supervisors, Equalization, and Canvassers, to include the pay of deputies and clerk hire.

SEC. 5. Section seven of said Act is hereby amended so as to read as follows:

District
Attorney.

Section 7. At the general election to be held in the year eighteen hundred and seventy-three, and every two years thereafter, there shall be elected a District Attorney, who shall receive for all services required of him by law, or by virtue of his office, a salary of twelve hundred dollars per annum, payable out of the Salary Fund.

SEC. 6. Section eight of said Act is hereby amended so as to read as follows:

County
Judge.

Section 8. The County Judge shall receive an annual salary of one thousand dollars, payable out of the county Salary Fund.

SEC. 7. Section thirty-nine of said Act is hereby amended so as to read as follows:

Official
bonds.

Section 39. The amount of bonds of the several officers named in this Act shall be as follows: County Clerk, ten thousand dollars; County Clerk as ex officio Auditor, ten thousand dollars; County Clerk as ex officio Recorder, ten thousand dollars; Sheriff, thirty thousand dollars; Sheriff as ex officio County Treasurer, forty thousand dollars; Assessor, five thousand dollars; Assessor as ex officio Tax Collector of property taxes, twenty thousand dollars; Assessor as ex officio Collector of poll tax and State and county business licenses, five thousand dollars; District Attorney, three thousand dollars; Surveyor, one thousand dollars; Coroner, one thousand dollars; Coroner as ex officio Public Administrator, ten thousand dollars, which may be increased, in the discretion of the Probate Judge; County Superintendent of Common Schools, two thousand dol-

lars; Justices of the Peace, five hundred dollars; Constables, five hundred dollars.

SEC. 8. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed so far as they relate to El Dorado County.

SEC. 9. This Act shall take effect and be in force from and after its passage, but shall not apply to any of the present county officers during their present term of office:

CHAPTER CCCCXXII.

An Act to reincorporate the City of Stockton.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporation now existing and known as the City of Stockton shall continue and be a body politic and corporate, and known by the name of the City of Stockton, and by that name have perpetual succession, may sue and defend in all Courts and places and in all matters and proceedings whatsoever, and may have and use a common seal and the same alter at pleasure, may purchase, receive, have, take, hold, use, and enjoy property of every name and description, and sell, convey, mortgage, lease, and dispose of the same for the common benefit. Incorporation.

SEC. 2. The government and jurisdiction of the City of Stockton shall extend over all that part of the County of San Joaquin bounded north by the north line of North street, south by the south line of South street, said lines extending west of the line of Tule street half a mile, east by the east line of East street, as said streets are now laid out, dedicated, and known in said city, and west by a line parallel with Tule or Bragg street and half a mile west from said street and intersecting with the continuation of said north and south lines westerly. Corporate limits.

SEC. 3. Said city shall continue, as at present, divided into three wards; but the City Council may at any time, not within three months of an annual city election, change the boundaries of the wards or divide it into others, not exceeding six; *provided*, that such change shall not affect the term of office of any Councilman or School Trustee, but they shall serve out their term for the ward in which their residence may be; but if more reside within any one ward than the proportion to which it is entitled, those of the shortest unexpired term shall, by the Council, be assigned for such unexpired term to a ward where there is a vacancy. The representation of each ward in the City Council shall be in proportion to its population, but each ward shall have two School Trustees. Wards.

SEC. 4. The officers of the City of Stockton shall consist of

Officers. a Mayor, twelve Councilmen, a Collector, who shall also be Street Commissioner, an Assessor, Treasurer, City Clerk, Police Judge, City Attorney, and Chief of Police; also, two School Trustees for each ward, and a Superintendent of Public Schools. The City Council may also appoint a City Surveyor, and from time to time such policemen as they may deem necessary, and any other officers herein authorized to be appointed, and may, by ordinance, prescribe the duties of all city officers and their compensation.

Charter election. SEC. 5. On the first Monday in May of every year a charter election shall be held, at which the qualified voters of said city shall elect a Mayor, an Assessor, and a Collector and Street Commissioner, who shall each hold office for one year and until the qualification of his successor; six members of the City Council, and one School Trustee for each ward, to be voted for by the wards they may respectively represent, and each second year a Superintendent of Public Schools, who shall each hold his office for two years and until the qualification of a successor.

Manner of holding elections. SEC. 6. The City Council shall call all city elections, designate the time and places of holding the same, giving at least ten days notice thereof, and shall appoint one Inspector or Clerk and two Judges of Election for each ward or election precinct in said city, who shall appoint two Clerks, and all shall take the oath of office prescribed by law for Inspectors, Judges, and Clerks of State and county elections. All provisions of law regulating elections for State and county officers not conflicting herewith shall apply to elections under this charter. The polls for all city elections shall be opened at eight o'clock A. M., and continue open until sunset the same day. If any officer so appointed shall fail to attend, those attending, with the electors assembled, shall fill their places by others from the qualified electors present. All returns of city elections shall be made out and signed by the officers of such election in the usual form and deposited with the City Clerk within two days after election. The persons having the plurality of the votes cast for each of the respective offices voted for shall be declared elected. No person shall vote at any city election unless he shall be an elector for State and county officers, and shall have actually resided within said city, and in the ward where he may offer to vote, thirty days preceding such election; *provided*, that those who may remove with their families from one ward to another within thirty days prior to such election may vote in the ward from which they may have moved. If any person not having the legal qualifications of an elector at any city election shall fraudulently vote or attempt to vote, or knowingly hand in two or more ballots folded together, or shall vote or attempt to vote more than once at the same election, such person, on conviction thereof, shall be fined in any sum not less than twenty nor more than five hundred dollars, or be imprisoned in the County Jail for any period not more than three months, or may be punished by both such fine and imprisonment.

Returns. SEC. 7. On the third day after the election the City Council shall convene and publicly canvass the result, and shall issue certificates of election to each person elected by a plurality of votes. When two or more persons have received an equal and

Results of elections.

highest number of votes for any one of the offices voted for, the City Council shall thereafter, at its first regular meeting, decide by vote between the parties which shall be elected. If the City Council, from any cause, fail to meet on the day named, the Mayor shall cause a special meeting of said Council within five days thereafter, and in addition to the notice provided for calling special meetings, shall publish the same on two successive days in some newspaper published in said city. If the Mayor fail to call said meeting within said five days, any four Councilmen may call it. At such special meeting all elections, appointments, or other business may be transacted that could have been on the day first herein named.

SEC. 8. The Mayor, Councilmen, and other officers elect may take the oath of office and enter upon their duties on the first Monday subsequent to their election; but if any one, either elected or appointed to office, fail for ten days to qualify, as required by the law, and to enter upon his duties, or if any such officer shall absent himself from said city continuously for ten days without the consent of the City Council, or shall openly neglect or refuse to discharge his duties, such office may be declared vacant; *provided*, however, this shall not apply to the Mayor or members of the City Council; *provided*, further, that School Trustees and the School Superintendent shall not enter upon the duties of their respective offices until the first Monday of September next succeeding their election.

Assump-
tion of
official
duties.

SEC. 9. The Mayor and Councilmen of the several Wards shall constitute the City Council, and at its first meeting after the annual city election shall elect a President, a City Clerk, and City Treasurer, and at any time when the Mayor and President are both absent may elect a President pro tem, who shall act during such absence. The representation of each Ward shall remain as at present established until otherwise provided by ordinance of the City Council.

The City
Council.

SEC. 10. The Mayor shall be the chief executive officer of the city; he shall have a general supervision over the several departments of the city government, and over all its interests; shall preside over the City Council when present; once in each three months submit a general statement of the condition of its various departments, and recommend to the City Council such measures as he may deem expedient for the public good or improvement of the city, its finances, or government; he shall sign all ordinances passed by the City Council if he approve them; if he does not approve he shall, within eight days after its submission to him, return the same to the City Clerk's office with his objections in writing, and at the first meeting of the City Council thereafter the same shall be entered upon their journal. They shall reconsider the ordinance, and, unless two thirds of the Councilmen elect vote for its passage, it shall not become a law. If the Mayor shall not so return any ordinance within eight days it shall become a law, as if he had signed it. He may call special meetings of the City Council at any time, and shall do so upon the written request of four Councilmen, by notifying each member personally, or by a written notice left at his last and usual place of abode, or at his place of business during business hours, stating the purpose of such meeting.

Mayor.

President
of City
Council.

SEC. 11. The President of the City Council shall preside at all its meetings when the Mayor is not present; and whenever there is a vacancy in the office of Mayor, or he is absent from the city, or unable from any cause to discharge the duties of his office, the President shall act as Mayor and exercise all his authority and be subject to his duties. He shall countersign all warrants and licenses issued under authority of the city, but in his absence or inability to perform said duty, the Mayor, or if he is absent or unable to perform said duty, the President pro tem, or if none has been elected, the Chairman of the Finance Committee may sign the same.

Vacancies.

SEC. 12. When any vacancy occurs in any elective office, except the Mayor, the City Council may fill the same for the unexpired term, except in cases of City Councilmen or School Trustees or Superintendent, which shall be filled until the next city election and until the qualification of a successor. The City Council may, upon written charges to be entered upon their journal, after notice to the party and after trial, by a vote of two thirds of all the members elect, remove any officer.

Meetings.

SEC. 13. A majority of the City Council elect shall constitute a quorum for the transaction of business; a less number may adjourn from time to time, and they may compel the attendance of absent members. The Council may punish their members for disorderly conduct, and, upon written charges to be entered on their journal, for such conduct, after trial, may expel a member by a vote of two thirds of all the members elected. The Mayor shall have a vote only in case of a tie in the votes of the other members. They shall determine their rules of proceeding and the qualification of members. The sittings of the Council shall be open to the public, except where the interest of the city shall require secrecy. A journal of all their proceedings shall be kept by the Clerk, under their direction. At any time, at the request of any two members, the ayes and nocs on any question shall be taken and entered on the journal.

Powers and
duties.

SEC. 14. The City Council shall have power and authority to make and pass all by-laws, ordinances, orders, and resolutions not repugnant to the Constitution of the United States, of the State of California, or the provisions of this charter, necessary for the municipal government and management of the affairs of the City of Stockton, for the execution of the powers vested in the said body corporate, and for carrying into effect the provisions of this Act; to fix and collect a license tax on and to regulate theatres, melodeons, balls, concerts, dances, and all theatrical, melodeon, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also, all shows, billiard tables, bowling alleys, exhibitions or amusements; to fix and collect a license tax on and to regulate all taverns, hotels, restaurants, saloons, bar rooms, bankers, brokers, manufactories, livery, stable keepers, express companies, and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in said city, or who shall have an agency therein; to license and

regulate auctioneers; to license, tax, regulate, prohibit, or suppress all tippling houses, dram shops, saloons, bars, bar rooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, and sheds; to prohibit and suppress or to license and regulate all dance houses, fandango houses, cock fights, bear or bull fights, dog fights, or any exhibition or show of any animal or animals; to license and tax hackney coaches, cabs, omnibusses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands and fix the rates to be charged for the transportation of persons, baggage, and property; and to license or suppress runners for steamboats, railroads, taverns, or hotels; and to fix and collect a license tax upon all occupations and trades and all and every kind of business authorized by law not heretofore specified; *provided*, however, that the license taxes hereby authorized to be fixed and collected in said city shall not exceed the amount affixed by law for State and county purposes, or both, on such business, occupation, trade, or calling, with fifty per cent added thereto; and *provided* further, that in the business of selling intoxicating drinks, wines, ales, and beer, in less quantities than one quart, or to be drank upon the premises where sold, and on any other business, trade, or calling not provided by law, to be licensed for State and county purposes, the amount of license shall be fixed at the discretion of the City Council and as they may deem the interests and good order of the city may require; also, to prevent and restrain any riot or riotous assemblage, or disorderly conduct in any place, house, or street in the city; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing the same; to maintain and regulate a common pound for estrays, and to appoint a Pound-keeper, who shall be paid out of the fines imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any part thereof, and to regulate or prevent the keeping of such animals within any part of the city; to control and regulate the slaughterhouses, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits or any part thereof; to provide by regulation for the prevention and summary removal of all filth and garbage in the streets or sloughs, alleys, back yards, public grounds of said city, or elsewhere therein; to establish, alter, and repair city prisons, and provide for the regulation of the same; to provide for the care, feeding, and clothing of the city prisoners; to provide for the formation of a chain gang for persons convicted of crimes or misdemeanors, and their proper employment for the benefit of the city, and also to provide for the arrest and compulsory working of vagrants; to prohibit and suppress all gaming and all gambling or disorderly houses and houses of ill-fame, and all immoral and indecent amusements, exhibitions, and shows; to establish and regulate markets and market places; to fix and regulate the speed at which railroad cars may run within the city limits or any portion thereof; to provide for and regulate the commons of the city; to regulate and prohibit fast riding or driving in any portion of the city; to regulate

Powers and
duties.

Powers and
duties.

or prohibit the landing or storage of gunpowder and other combustible materials within the city, or transporting the same through its streets or over its waters; to have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and the same to sell, lease, transfer, mortgage, convey, control, or improve; to build, erect, or construct houses, buildings or structures of any kind needful for the use or purposes of said city, for public use or utility to the city; to establish, continue regulate, and maintain a Fire Department for said city, and to institute and perfect any and all measures, means, or material for the prevention or extinguishment of fires; to establish fire limits and the same to alter at pleasure; to regulate or prevent the erection of wooden or other buildings of combustible materials; to regulate the construction of buildings, sheds, awnings, signs, or any structures of a dangerous or unsafe character; to adopt, enter into, or carry out means for securing a supply of water for the use of said city or its inhabitants; to prevent the overflow of the city or to secure its drainage; to provide the numbering of houses; to establish a Board of Health; to prevent the introduction and spread of disease; to establish a city infirmary and provide for the indigent sick, and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and prohibit them within the city limits; to build, alter, improve, keep in repair, and control the water front; to erect, regulate, and repair wharves, and to fix the rates of wharfage and transit, wharf and levee dues upon vessels and commodities, and to provide for the regulation of berths, landing, stationing, and removing of steamboats, sail vessels, rafts, barges, and all other water craft; to fix the rate of speed at which steamboats may run along the water front of the city; to build bridges; to provide for the removal of obstructions to the navigation of any channel or watercourse; to clear out and excavate sloughs; to license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon; to license ferries and bridges, under the law regulating the granting of such license; to determine and impose fines, forfeitures, and penalties that shall be incurred for the breach or violation of any city ordinance, and also for a violation of the provisions of this Act, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any one offense the amount of five hundred dollars, or three months imprisonment, or both; and every violation of any lawful order, regulation, or ordinance of the City Council of the City of Stockton is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the People of the State of California; to create and establish a city police, to prescribe their duties and their compensation, and to provide for the regulation and government of the same; to provide for conducting elections and establishing election precincts, when necessary; to examine, either in open session or by committee, the accounts or doings of all officers or

other persons having the care, management, or disposition of ^{Powers and} moneys, property, or business of the city; to make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name; to provide for the opening, laying out, altering, constructing, extending, repairing, grading, paving, graveling, or otherwise improving of public streets, sloughs, waterways, sewers, drains, avenues, and bridges, and for the construction, regulation, and repair of sidewalks, and other street improvements, at the expense of the property to be benefited thereby, without any recourse in any event upon the city for any portion of the expense of such work or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, sidewalks, and squares, and to enforce the observance thereof; to provide for all public buildings, parks, or squares necessary or proper for the use of the city; to permit the use of the streets for railroad purposes; to order paid any final judgment against said city; but none of its lands or property of any kind or nature, taxes, revenues, franchises, or rights or interests, shall be attached, levied upon, or sold in or under any process whatsoever; to regulate the sale of coal and wood in said city, and may appoint a Weigher of coal and a Measurer of wood for the city, and define his duties and prescribe his term of office and the fees he shall receive for services; *provided*, that such fees shall in all cases be paid by the parties requiring such services.

SEC. 15. The City Council shall have full power and authority to assess, levy, and collect annually, taxes upon all the property within the city taxable for State purposes, not exceeding one per cent upon the assessed value thereof, which shall be paid into the General Fund for current expenses. They shall provide for the payment of the principal and interest secured by the bonds of the City of Stockton, outstanding February first, eighteen hundred and seventy, and for the payment of the other indebtedness of said city at and before said day; said bonds and debts being known as the "old city debt." And they shall each year levy, assess, and collect an additional tax upon the taxable property as aforesaid, not exceeding two per cent per annum, which, when collected, shall be paid into a Fund: first, to pay the interest on said bonds; second, to a Fund for the payment of the principal thereof; and third, to meet any indebtedness as aforesaid, not funded. And the City Council, in making said levy, shall estimate the proportion requisite for each Fund, and the same shall be expended under direction of the City Council, for the purpose aforesaid, and for no other purpose. Said tax shall be levied, assessed, and collected upon all the property liable to taxation within the limits of the City of Stockton, as it was bounded prior to January twenty-sixth, eighteen hundred and seventy, and the City Assessor shall designate in his list the "old district" subject to said tax, and the "new district" not subject to it. The City Council shall also have power to raise annually, by tax upon all the property within the city taxable for State purposes, whatever amount of money may be ^{Levy and collection of taxes.}

requisite for the support of free common schools therein, and providing and furnishing houses therefor, but the tax provided for in this section shall not exceed thirty-five cents on each one hundred dollars valuation upon the assessment roll per annum.

Time of
levy.

SEC. 16. On the first Monday in April in every year, the City Council, by an ordinance, shall levy upon all the property in the city taxable by law for State purposes, a tax for school purposes, and for the current and general expenses of the city, and in conformity to the provisions of this Act, shall levy any and all other taxes by law directed then to be levied or assessed; and in conformity with the provisions of this Act shall levy a tax for the payment of the "old city debt," upon the property

Tax liens.

liable therefor. Every tax so levied is made a lien, which shall attach on said day in each year to and against all property assessed for the amount assessed against it, and if said property be assessed to a wrong person, or by a wrong name, said lien shall in nowise be affected or invalidated, and it shall not be satisfied or removed until the taxes are paid or the property has absolutely vested in a purchaser under and by reason of a sale for such taxes. The fiscal year shall begin on the first day of January, and the terms real and personal property shall have the same meaning as the same terms used in the revenue laws of the State.

Fiscal year

Assess-
ment lists.

SEC. 17. It shall be the duty of the City Assessor to prepare, between the first day of January and the first Monday in April in each year, and present to the City Council, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform as near as practicable, when not inconsistent with the provisions of this Act, to the assessment lists required by law to be made by the County Assessor for State and county purposes; also, to make all assessments for the improvement of streets as hereinafter provided; to be present at the sessions of all Boards of Equalization mentioned in this Act, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council by ordinance or resolution may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in said city not previously assessed. He shall receive a salary, to be fixed by the City Council, which shall not exceed five hundred dollars per annum.

Correc-
tions.

Salary.

Board of
Equaliza-
tion.

SEC. 18. The City Council, or a committee of their number appointed for that purpose, shall constitute a Board of Equalization, and shall, after the Assessor shall have completed and handed in his assessment list, and after ten days notice, published in some newspaper in said city, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor in such list, and shall have power to modify and change such valuation in any way they shall deem just and proper. Said meetings may be held from

time to time as in said notice specified, for the period of two weeks and no longer.

SEC. 19. After the Board of Equalization shall have completed their duties, the City Clerk shall add up the columns of valuation and enter the total valuation of each description of property in the list, and shall also carry out, in a separate money column in the list, the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes as shown by the list; and as thus equalized and carried out, the Clerk shall certify to its correctness, and on or before the second Monday of May thereafter, deliver it to the Collector, and shall charge him with the amount of taxes as footed up and take his receipt therefor.

Completion
of assess-
ment lists.

SEC. 20. The Collector, on receiving the assessment list certified by the Clerk, shall proceed to collect the taxes specified therein and pay over the same into the Treasury, taking a receipt therefor. For the purpose of collecting the taxes authorized by this Act, the City Collector shall have such powers as are given by the revenue laws of this State to Collectors of State and county taxes, so far as the same are applicable. All taxes unpaid at the close of official business on the second Monday of June shall be deemed delinquent, after which time the Collector shall receive no money for taxes, and he shall on said day enter upon the assessment roll a levy upon all property therein assessed the taxes upon which remain unpaid, and shall immediately ascertain the total amount of taxes unpaid, and file in the office of the City Clerk a list of all persons and property then owing taxes, verified by his oath, which list shall be known as the Delinquent List, and shall be completed and duly certified by the proper officers; shall be by the City Clerk delivered to the City Attorney on or before the first Monday of July, and the City Attorney shall proceed at once to collect the same.

Delinquent
list.

SEC. 21. The City Attorney of the City of Stockton is hereby authorized and directed to commence civil actions, in the name of the City of Stockton, in the Police Court or in the District Court in and for said county, the jurisdiction of the Court to be determined by the amount sued for or the relief sought, as in other civil actions, to recover the unpaid taxes become delinquent or which may hereafter become so. The complaint in all such actions may be as follows, viz: "The State of California, County of San Joaquin. The City of Stockton vs. A. B. and the real estate and improvements in Stockton (describing them). The City of Stockton by Q. S., City Attorney of the City of Stockton, complains of A. B. and also the following real estate and improvements (description of property), and for cause of action says, that between the first Monday of —, Anno Domini eighteen hundred and —, in the City of Stockton, in the State of California, O. P. then and there being Assessor of said city, did duly assess and set down, upon an assessment roll, all the property, both real and personal, in said city subject to taxation, and that said assessment roll was afterwards submitted to the Board of Equalization of said city, and was by said Board duly equalized as provided by law; that said A. B. was then and

Suits
against
delinquents

Suits
against
delinquents

there owner of, and there was duly assessed to him, the above described real estate, improvements upon real estate, and certain personal property situate in said city, and that upon such property there has been duly levied, for the fiscal year ending — A. D. eighteen hundred and —, a city tax, amounting in the whole to — dollars, all of which is due, delinquent, and unpaid, of which amount — dollars was duly assessed and levied against the real estate and — dollars against the improvements aforesaid; wherefore the plaintiff prays judgment against the said A. B. for the sum of — dollars in gold or silver coin of the United States, the whole of said tax, and separate judgment against said real estate and improvements for the sum of — dollars in like coin, the tax thereon, and for such other and further judgment as to justice belongs, and for all costs subsequent to the assessment of said taxes and of this action. Q. S., City Attorney of Stockton." The defendant shall not be allowed to set up or show any informality in the levy or assessment as a defense, such defendant being allowed only to plead: first, that the taxes were paid before the suit; second, that the taxes, with costs, have been paid since suit; third, denying all claim, title, or interest in the property assessed at the time of the assessment; fourth, fraud in the assessment or fraud in failing or neglecting to comply with the provisions of this Act, by which fraud the party or property assessed has suffered injury; *provided*, however, that the Acts herein required between the assessment and the commencement of suit shall be deemed directory merely, and no other answer shall be permitted, and no answer shall be filed in any such case unless the same be verified by oath. The delinquent tax lists, or the original or duplicate assessment roll, or a copy of any entry thereon duly certified, showing unpaid taxes against any persons or property, shall be evidence in any Court to prove the delinquency, property assessed, the amount of taxes due and unpaid, and that all the forms of law in relation to the levy and assessment of said taxes have been complied with, and neither the delinquent tax list nor the assessment roll need be filed in any case. Judgment rendered in such cases in the District Court shall be docketed and become liens upon all property of the defendant or defendants liable to taxation, and may be enforced against the same, and the City Attorney may file transcripts of judgments rendered in the Police Court under this Act, with the County Clerk of San Joaquin County, who shall thereupon docket such judgment, and they shall become liens from and after such docket entry in like manner as judgments rendered in the District Court under this Act, and the County Clerk may issue execution on such docketed judgments of the Police Court as on judgments rendered in the District Courts. The City Council may from time to time prescribe by ordinance such other forms of complaint for the collection of delinquent taxes and assessments in addition to those prescribed by this Act, not conflicting with the laws of this State, as may be adequate for that purpose.

Act made
applicable.

SEC. 22. An Act to regulate proceedings in civil cases in Courts of justice of this State, so far as the same is consistent with the provisions of this Act, is hereby made applicable to

the proceedings under this Act. Any deed derived from a sale of real property under this Act shall entitle the holder thereof to a writ of assistance from the District Court to obtain possession of such property; *provided*, that the Sheriff or other officer who may sell such property shall only sell the smallest quantity that any purchaser will take and pay the judgment and costs; *provided*, further, that when property sold belongs to minors, or persons under legal disability, they shall have until six months after said disability is removed to redeem, by paying the whole bid, all subsequent taxes, interest, and costs.

SEC. 23. If any real estate, or improvements in said city, upon which the taxes or assessments remain unpaid has been assessed to "unknown," or "owner unknown," or to a person not the owner, who disclaims title or interest, the person liable to pay the taxes thereon may be sued by a fictitious name, and service of summons in such cases, whether issued in the District or Police Court, may, by order of the Court, be made by publication of a copy of the summons once each week for three successive weeks, in a newspaper published in the city, and any number of summons may be included in one publication. The service of the summons shall be complete at the expiration of the time of such publication. Service of summons may also be made in the same manner, by order of the District or Police Judge, in whichever Court the suit may be. When the person or persons to whom such property has been assessed, and upon which taxes or assessments are unpaid, cannot be found within the city, and such fact shall appear by the return of the officer to whom summons in such case has been delivered, proof of such publication may be made by the affidavit of the publisher or principal Clerk of the newspaper in which such summons is published, and the publisher shall receive for each summons so published the sum of five dollars, to be taxed and paid as other costs in the case, and any deed derived from the sale of such property under the provisions of this Act shall be equally conclusive against the true owner of such property as if the action had been prosecuted against said owner by his real name.

Unknown
owners.

SEC. 24. For services under this Act, the City Attorney shall be entitled to a compensation equivalent to fifteen per cent on the amount recovered, to be added thereto if paid before judgment, and if not so paid, then twenty-five per cent, to be added to and make a part of the judgment, and ten per cent upon all amounts paid over or collected under this Act, before the commencement of suit. All officers shall perform such services as may be required of them under this Act without the payment of fees in advance, but they may charge and receive to their own use, such fees as are allowed for similar services in other cases; *provided*, such fees are collected of the defendants, and in no case shall the city be liable for the services rendered under this Act.

Compensation of City
Attorney.

SEC. 25. The City Council may inclose, grade, improve, and ornament the public squares, places, or grounds of the city. The order therefor shall be entered upon the journal of their proceedings, and if the work be required to be performed by contract, a survey, diagram, specifications, and estimates shall

Grading
and
improving.

be made, and filed with the City Clerk before notice published for bids.

Opening,
construct-
ing and
repairing.

SEC. 26. Whenever it shall be deemed expedient by the City Council to lay out, open, or construct any street, avenue, alley, ditches, waterways, drains, sewers, or embankment, or to lay out or open any sloughs or watercourses leading through said city, or to alter, excavate, fill up, widen, straighten, deepen, or otherwise improve any street, slough, avenue, alley, ditches, waterways, drains, or sewers, or other work of a like character, to enter upon or do, or to pave or repave, grade or regrade to the official grade of the city, macadamize, plank or replank, gravel or regravel, or otherwise improve any street or streets, avenue, levee, or any portion of any street, avenue, or levee in said city, or to grade or regrade any sidewalk, or to construct sidewalks, sewers, culverts, or curbing in said streets, avenues, and levees, the City Council shall cause a survey and estimates to be prepared of the proposed work, and filed with the City Clerk, and a time fixed for the hearing upon such proposition. All parties in interest shall be notified of the time and place of such hearing, either by personal notice or by advertisement for ten days, in some newspaper published in said city, and may appear and be heard thereon. If the Council order the work or improvement done, and it be sidewalks or work of estimated cost of not exceeding one hundred dollars, parties in interest may be required to do it within a time to be limited in the order, and if not so done within such time as may be fixed, then the city may proceed to cause the work to be done at the expense of the property adjacent. All other work requiring, or which the Council may order to be done by contract, shall be let out as is hereinafter provided.

Notice to
interested
parties.

Contracts.

SEC. 27. All contracts for work or materials to be performed, or used, ordered by, or for the City of Stockton, or in which it is interested, may be, and when the cost exceeds five hundred dollars shall be, let to the lowest bidder. A notice, signed by the Clerk, soliciting sealed proposals, shall be published a reasonable time, in no case less than ten days prior to the time fixed for opening such bids. Such notice shall designate the work to be done, and the place, and the time in which it may be performed, with such other specifications as may tend to give the bidders a knowledge of the object to be accomplished, and with a reference to the diagram or specifications on file in the Clerk's office. On the day limited in said notice for the opening of said bids, the Council, or a committee therefor appointed, shall in open meeting open and declare said bids, and award the contract to the lowest responsible bidder; *provided*, however, that the City Council or its committee may reject all bids when considered too high or uncertain from any circumstances. The Council or committee may, before considering any offer, require security that the party will enter into a contract if awarded to him; and all contracts shall be in writing, and accompanied with a bond satisfactory to the Mayor. No officer of said city shall be interested in any contract to which the city is a party, and any contract contrary to the provisions hereof shall be void.

Opening
of bids.

SEC. 28. Whenever any street or other work is to be done

for which the property is liable, a diagram and estimates shall be made showing the front feet upon the street to be improved in front of each lot or part of a lot, and the amount of filling in or excavation required. The expense or cost of any work or improvement upon the streets or sloughs, and of any other work or improvement mentioned or named in section twenty-six (26) of this Act, shall be assessed upon the lots and lands fronting thereon, except as hereinafter provided, each lot or portion of a lot being separately assessed in proportion to the frontage at a rate per foot sufficient to cover the total expense of the work to the center of the street on which it fronts. The expense of all improvements in the space formed by the junction of two or more streets, or when one main street terminates in or crosses another main street, and also all necessary street crossings or crossways, shall be paid by the City of Stockton. In all the streets constituting the water front of said city, or bounded on one side by the property thereof, the expense of work done on that portion of said streets, from the center line thereof to the said water front, or to such property of the city bounded thereon, shall be provided for by the said city; but no contract for any such work shall be given except to the lowest responsible bidder, and in the manner hereinbefore provided. When any work or improvement mentioned in section twenty-six (26) of this Act is done or made on one side of the center line of said streets, avenues, levees, and sloughs, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this Act. When streets, sloughs, or other improvements are laid out, surveyed, and ordered to be opened or constructed, the land therefor shall be condemned and taken for the said purpose, and the City of Stockton may enter upon and use the same for said improvements or purposes, and may condemn lands as well without as within the city limits. Said city may apply to the Judge of the Fifth District Court, by petition, for the appointment of three discreet Commissioners, who shall apprise the damage suffered by any parties by the taking said land, and shall at the same time estimate the benefit and advantage of any improvement so made to said party, and award the difference, and shall return their report, with the evidence taken in each case, to said Court; and if their decision be approved, it shall have the effect of a judgment, and may be enforced by a decree or other process. Said Court shall have power to make any further orders or decree that may be needful in the premises.

Diagrams
and
estimates.

Condem-
nation of
land.

SEC. 29. After the contractor of any street work has fulfilled his contract to the satisfaction of the Street Commissioner, and the work has been accepted by the Street Committee of the City Council, and their acceptance filed with the Clerk, the City Assessor is hereby authorized and required to make an assessment to cover the sum due for the work performed, and specified in such contract or contracts (including incidental expenses, if any, in conformity with the provisions of the preceding section), according to the character of the work done, and shall prepare an assessment list of the same; which assessment list shall briefly refer to the

Assess-
ments for
payment of
contracts.

Assess-
ments for
payment of
contracts.

contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with the incidental expenses, if any; the amount of each assessment; the name of the owner of each lot or portion of a lot, if known to the Assessor; if unknown the word "unknown" shall be written opposite the number of the lot and the amount assessed thereon. Said assessment list shall also show the number of each lot or portion of a lot assessed, and the rate per front foot assessed thereon. There shall be attached thereto a diagram showing each street, avenue, or levee on which any work has been done; said diagram shall show the relative location of each distinct lot, or portion of a lot to the work done, numbered to correspond with the numbers in the assessments; also, the number of feet frontage assessed for said work contracted for and performed. Said assessment list, certified by the Assessor, shall be presented to the City Council. On a day to be appointed by them, of which notice shall be advertised for one week in some newspaper published in said city, the said City Council, or a committee thereof for that purpose appointed or designated, shall sit as a Board of Equalization on said assessment. The owners of the land assessed, the contractor or his assigns, and all persons directly interested in said assessment, whether named therein or not, feeling aggrieved by any of the acts or proceedings concerning such assessment, or having or making any objection to the correctness or legality of the same, shall at such time specially make known the cause of objection or complaint. Said Board may correct, alter, or modify said assessment in such manner as to them shall seem just, and may instruct and direct said Assessor to alter and correct said assessment or diagram in any particular, and to make a new diagram at their option to conform to the decisions of the Board. All decisions and determinations of said Board, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to be heard before said Board, as to all errors and irregularities which said Board could have remedied and avoided. Said assessment list shall constitute and operate as a lien upon each lot or fractional part of a lot for the amount assessed against it; which lien shall continue from the date of the order, and shall not be satisfied or removed until the amount assessed against it is paid, or the property becomes vested in a purchaser by a sale thereunder. The assessment list, equalized as aforesaid, shall be filed with the City Clerk, and the City Collector shall immediately proceed to collect the taxes and charges thereon assessed, for twenty days, and pay over the same to the contractor, first deducting the incidental expenses. After the expiration of the twenty (20) days he shall immediately make out and designate on such assessment list a list of all delinquents. Said assessment list, with the list of the delinquents thereon, shall be by the City Collector certified to and handed to the City Attorney, who shall proceed to collect, sue for, and recover such delinquent taxes or assessments as appear in said list, in the same manner as it is or may be provided for the collection of the city delinquent taxes; and such lists may be used as evidence in any suit in the same manner and with like effect as is provided for city delinquent tax lists by this Act; and said

attorney shall be entitled to charge and include in any suit or judgment the same costs and fees.

SEC. 30. All the streets in the City of Stockton that have been laid out and dedicated by the party or parties owning the land fronting upon the same, or by the authorities of said city, and declared to be public streets, and that have been used as such, shall be and are hereby declared public streets to the extent that the same may have been used, laid out, or dedicated. Public streets.

SEC. 31. The term "incidental expenses" shall mean the expense of work done by the City Surveyor and City Assessor in improving the streets under the provisions of this Act, who shall receive for their services a reasonable compensation, to be determined by the City Council, and the expenses of equalizing the assessment lists; also, the expense of printing, advertising, and measuring the work done under contracts for grading and graveling. Incidental expenses.

SEC. 32. The City Clerk of the City of Stockton shall keep a correct journal of all proceedings by the City Council or any committee thereof, for that purpose appointed or designated, touching the making of any improvement or the doing of any work provided for by section twenty-six (26) of this Act, which journal shall be competent evidence in any Court to prove the performance of any and all acts therein recorded. City Clerk.

SEC. 33. When any sidewalk, or any portion thereof, becomes in a condition to be dangerous or to cause public inconvenience, the Collector and Street Commissioner shall, by notice in writing, to be delivered personally to the owners, occupants, or tenants, or posted on the premises, require such owners, tenants, or occupants of lots or portions of lots liable to be assessed for work done under the provisions of this Act, and in front of which such repairs are required to be made, to forthwith repair or rebuild such sidewalks in conformity with the official city grade, specifying in such notice what improvements or repairs are required. If such improvements or repairs are not commenced within three (3) days after notice given as aforesaid, and diligently prosecuted to completion without unnecessary delay, the Collector and Street Commissioner shall be deemed to have acquired jurisdiction to contract for the doing of the work or improvements required by said notice, and may enter into a contract with any competent person to make the required repairs at the expense of the owner, tenant, or occupant of such real estate, at such price as he may deem reasonable and just; and such owner, tenant, or occupant of such real estate shall be liable to pay the same; and such sum or sums of money contracted to be paid for said work or repairs shall be a lien upon the real estate in front of which said work or repairs shall have been done, and if not paid by such owner, tenant, or occupant, the same may be collected by the city in a civil action, from the personal effects of such owner, tenant, or occupant; and by a suit in a Court competent to foreclose said lien. The certificate of the Street Commissioner that the work has been properly done, and that the charges for the same are reasonable and just, shall be prima facie evidence that the amount claimed Repairs; notice to owners.

for said work and materials, and of the right of the city to recover the same in such action. In addition to the other costs in all such cases, the sum of twenty-five dollars (\$25) shall be taxed as costs for the City Attorney's fees in each suit, and to be collected only from the defendant in such action. All improvements and repairs made under the requirements of this section by tenants, or the expense thereof incurred by such tenants, may be charged to the landlord, unless otherwise agreed upon between such landlord and tenant, and deducted from the rents payable under their leases; and the said tenant shall have a lien upon the premises therefor, and may retain possession until the amount so advanced shall be repaid, with interest at two (2) per cent per month, from accruing rents or otherwise. A sidewalk within the intention of this section shall be construed to mean that portion of each street or public highway which now is or hereafter may be designated or appropriated by the ordinances of said city for foot travel or sidewalk purposes, whether the same is improved or in a state of nature.

Sidewalk
defined.

City
Collector
and Street
Commis-
sioner.

SEC. 34. The City Collector and Street Commissioner shall collect all taxes, assessments, licenses, wharfage rates, and all other moneys or dues owing, accruing, belonging, or coming to said city, and the same, shall pay over monthly to the City Treasurer, unless otherwise ordered by the City Council. He shall regulate the landing and stationing of all steamers, vessels, boats, or other water craft, and shall make report to the City Council each month. As Street Commissioner, he shall have the general supervision of all streets, public squares, levees, wharves, sloughs, drains, waterways, bridges, sidewalks, crosswalks, and public buildings, and shall superintend all work, repairs, or improvement thereof or thereon. At the request of the Street Committee of the City Council, he shall make report to them of any of his doings, and shall do and perform all such other duties as may be required of him by ordinance of the City Council. As Street Commissioner of said city, he is hereby authorized, in his official capacity, to make all written contracts, and receive all bonds authorized by this Act, and to do any other act, either expressed or implied, that pertains to the street department under this Act. He shall fix the time for the performance of the work under all contracts entered into by him, in accordance with the notice given by the Council; and may extend the time so fixed from time to time, under the direction of said Council. The work provided for in section twenty-six (26) of this Act must in all cases be done under the direction and to the satisfaction of the Street Commissioner; and the materials used shall be such as are required by said Commissioner in accordance with the contracts; and all contracts made therefor must contain this condition, and also express notice that in no case, except when it is otherwise provided in this Act, will the city be liable for any portion of the expense, and in no case for any delinquency of persons or property assessed. He may at any time, with the approval of the City Council, and at such rate of pay as they shall affix, appoint a deputy to aid in the discharge of his duties as Collector, or as Street Commissioner, or both. A copy of such appointment, with the approval indorsed thereon, shall be filed with the City

Clerk. Said Collector and Street Commissioner shall be responsible, on his official bond, for the doings of his deputy; and he may revoke such appointment at pleasure.

SEC. 35. It shall be the duty of the City Council to provide for the accountability of the City Assessor, Treasurer, Clerk, Police Judge, Collector and Street Commissioner, City Attorney, and all other officers herein provided for, by requiring from them sufficient security for the faithful performance of their duties or trusts, which security shall be given by them before entering on their respective duties. If such security should be or become insufficient, additional security may be required; and if not given within ten days, the Council, by a vote of two thirds of the members, shall declare the office vacant, and may thereafter fill the same. Official bonds.

SEC. 36. The City Council shall not create, audit, allow, nor permit to accrue any debts or liabilities above the actual revenue and available means in the Treasury that may be legally apportioned for such purpose. Nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there shall be sufficient money in the Treasury justly applicable to meet the same. Debt.

SEC. 37. All accounts and demands that shall lawfully arise against the city shall be submitted to the City Council, and if found correct, shall be allowed, and an order be made that the demand be paid; upon which (if there be funds in the Treasury as in the preceding section provided) the Clerk shall draw a warrant, which shall be countersigned by the President of the City Council, upon the Treasurer, in favor of the owner or owners of the demand, specifying for what purpose and by what authority it is issued, and out of what Fund it shall be paid; and the Treasurer shall pay the same out of the proper Fund. Payment of demands.

SEC. 38. The annual expenses of the City of Stockton shall not exceed the sum of forty thousand dollars; *provided*, however, that the moneys authorized to be raised and expended for the payment of the old city debt, so called, and for school purposes in said city, as provided to be raised by the provisions of this charter, shall not be considered a portion of said annual expense. If at any time after the sum of forty thousand dollars shall have been expended in any year it shall appear that the interest of said city demand an expenditure of an additional sum, the City Council shall make a report of the same, which shall be published for at least three weeks in some newspaper printed and published in said city, particularly specifying the object or objects for which said expenditure is required and the amount of money necessary to be raised to meet the same. At any time within ten days after the expiration of said publication the City Council shall order an election, giving ten days notice thereof, at which those persons who are legal voters of said city may vote for or against a tax to raise such additional sum. The election shall be conducted and returns made and canvassed in all respects as the general elections of said city, and a majority shall determine if such tax be levied or not. If the vote is in favor of such tax, the City Council shall forthwith, by an order to be entered on the journal of their pro- Limitation of annual expenses. Tax may be voted.

ceedings, order the tax to be levied and collected upon the basis of the last assessment, and shall make the proposed expenditure; *provided*, that the special tax thus to be levied shall for no one year be more than one per cent of the valuation of real and personal property in the city, as shown by the last assessment roll. All special taxes to be levied and collected under the provisions of this section shall be levied and collected in the manner, form, and ways prescribed for the levying and collecting of the general taxes of said city; and as a security for their payment a lien shall attach to and against each lot of land for the amount assessed against it from the date of the order; and every person, firm, or corporation against whom a tax shall be thus assessed shall be personally liable to pay the amount to said city. Said lien shall continue until such taxes are paid or the property become vested in a purchaser under a sale therefor.

Certain
payments
illegal
and void.

SEC. 39. Every appropriation or payment of money which may hereafter be made or ordered by the City Council in excess of said sum of forty thousand dollars, unless it shall be authorized by a vote of the electors of said city, as provided for in section thirty-eight of this Act, shall be invalid, illegal, and void, and shall be recoverable by the city from the party or parties to whom the same is made, if knowingly taken or received by such party or parties; and the members of the City Council who shall have voted for the same shall be individually, jointly, and severally liable for such excess, and it may be recovered from them in any Court of competent jurisdiction by the party or parties with whom they have contracted, or by the city, if payment has been actually made; *provided*, that any expenditure not exceeding twenty thousand dollars for the building of wharves in said city during the present fiscal year shall not be included as part of the annual current expenses for said year.

SALARIES AND DUTIES OF OFFICERS.

Salaries.

SEC. 40. The Mayor and members of the City Council shall not receive any salary or compensation for their services; *provided*, that members of the City Council, or a committee thereof for that purpose appointed, may receive for their services while acting as a Board of Equalization a sum to be determined by the Council, not to exceed for each one five dollars per day for each day while actually so engaged, for two weeks in each year, and no longer.

SEC. 41. The Collector and Street Commissioner shall receive a salary, to be fixed by the City Council, which shall not exceed the sum of fifteen hundred dollars per annum.

SEC. 42. The Chief of Police, City Assessor, and City Clerk may each, with the approval of the City Council only, appoint a deputy by writing, to be filed with the Clerk. Each deputy so appointed shall receive for his services a compensation to be fixed by the City Council, not exceeding one hundred dollars per month, and shall perform such duties under the direction of his principal as may by said Council be prescribed. The principals shall be each responsible for his deputy, and may revoke the appointment at pleasure.

SEC. 43. The Chief of Police shall receive a salary which shall not exceed the sum of twelve hundred dollars per annum, to be determined by the City Council.

SEC. 44. The City Treasurer shall receive a salary which shall not exceed the sum of three hundred dollars per annum, to be determined by the City Council.

SEC. 45. It shall be the duty of the City Treasurer to receive and safely keep all moneys belonging to the City of Stockton, from whatever source derived; to place the same to the credit of the different Funds to which they properly belong in a book kept for that purpose; to disburse said moneys by the direction of the City Council and in accordance with the provisions made by them, and to make a report monthly of the condition of the Treasury.

SEC. 46. It shall be the duty of the Clerk of the city to keep the corporate seal and all papers and documents belonging to the city; to file them in his office under appropriate heads; to attend the sittings of the City Council and to keep a journal of their proceedings and records of all their by-laws, resolutions, and ordinances; to sign all warrants and licenses issued in pursuance of the orders and ordinances of the City Council, and to affix the corporate seal to such licenses; to keep an accurate account in a suitable book under the appropriate heads of expenditures of all orders drawn upon the City Treasury, and all warrants issued in pursuance thereof; also, to keep an account in an appropriate book of all licenses issued, with the names of the persons to whom issued, the date of issue, the time for which the same were granted, and the sums paid therefor; and to perform such other duties as he may be required to perform by the provisions of this Act or by ordinance. He shall receive for his services a salary, to be fixed by the City Council, not exceeding the sum of seventy-five dollars per month. Duties of City Clerk.

SEC. 47. The City Council shall have no power to allow any extra or additional compensation to that in this Act expressly authorized to any officer for the rendition of services that the City Council have power to require the officer to perform by virtue of his office. Prohibition

BOARD OF EDUCATION—POWERS AND DUTIES.

SEC. 48. The Board of Education of the City of Stockton shall be elected as in this Act provided, and shall consist of one Superintendent and two Trustees from each ward in the city. Board of Education.

SEC. 49. The Superintendent shall be ex officio President of the Board of Education, and shall receive for his services a salary to be fixed by the Board, which shall not exceed nine hundred dollars per annum. He shall report to the City Council annually, on or before the first Monday in September, and at such other times as they may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper; and shall, at the regular meeting of the Board of Education in the month of June of each year, submit to the Board a detailed statement of Superintendent.

the amount, as near as may be ascertained, of fuel, blanks, blank books, apparatus, stationery, and such other articles, materials, or supplies, including books for indigent children, as may be necessary for the use of the city schools and the Board for one year following. He shall have power to administer oaths and affirmations concerning any demand upon the Treasury, payable out of the School Fund, or other matters relating to his official duties.

Advertisement for sealed proposals.

SEC. 50. The Board of Education shall, upon the receipt of the settlement from the Superintendent, as in the preceding section provided, advertise for the space of five successive days in some newspaper published in the City of Stockton, for sealed proposals for furnishing the articles in said statement specified. Said advertisement shall designate a day after the expiration of the publication aforesaid when said proposals will be considered, at which time the Board, or a committee thereof by the Board for such purpose designated, shall meet and publicly open and declare the proposals received, and shall thereupon award the contract therefor to the lowest responsible bidder or bidders in each case; *provided*, that all bids may be rejected if deemed too high. Said Board may, in their discretion, require a good and sufficient bond, with two or more sureties, to be filed by each bidder in the sum of two hundred dollars, conditioned for the fulfillment of his proposal in case of the acceptance thereof.

Powers of the Board.

SEC. 51. Subject to and in accordance with the directions and provisions of this Act the Board of Education shall have full power:

First—To establish and maintain public schools, and fix and alter the boundaries of the districts thereof.

Second—To employ and dismiss teachers, janitors, and other necessary help, and to fix, alter, allow, and order paid their salaries or compensation, and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board, and to withhold for good and sufficient cause the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Third—To make, establish, and enforce all necessary and proper rules and regulations not contrary to the law for the government and progress of the public schools within the said city, the pupils therein and the teachers thereof, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools and determine what course of study and mode of instruction shall be used in said schools.

Fourth—To build, alter, repair, rent, and provide school houses, and the same furnish with lights, water, proper school furniture, apparatus, and school appliances, and to insure any and all school property.

Fifth—To receive, purchase, lease, and hold in fee, in trust for the City of Stockton, any and all real estate, and to hold in trust any personal property that may have been, or may hereafter be, acquired for the use and benefit of the public schools of said city.

Sixth—To grade, fence, and improve school lots, and in front thereof to grade, sewer, plank, or pave and repave, and to construct and repave sidewalks.

Seventh—To sue for any and all lots, lands, and property belonging to or claimed by the said school department, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property, and to employ and pay counsel in such cases. Powers of
the Board.

Eighth—To determine annually the amount of taxation, not exceeding thirty-five cents on each one hundred dollars valuation upon the assessment roll, to be raised upon the real and personal property within the said city not exempt from taxation, for the establishment and support of free public schools therein, and for carrying into effect all the provisions of law regarding public schools; and the amount so determined by said Board of Education shall be reported in writing to the City Council of said city on or before the first Monday of April of each year; and the said City Council are hereby authorized and required to levy and cause to be collected at the time and in the manner of levying other city taxes, the amount of taxation so determined and reported to them by the said Board of Education as school tax upon all taxable property in said city, and said tax shall be in addition to all other amounts levied for city purposes.

Ninth—To establish regulations for the just and equal disbursements of all moneys belonging to the Public School Fund.

Tenth—To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand for good cause, of which the Board shall be sole judge.

Eleventh—To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

Twelfth—To prohibit any child under six years of age from attending the public schools.

Thirteenth—And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board.

Fourteenth—To use and apply the School Fund of said city for the purposes in this section heretofore named, and for no other purpose whatever.

SEC. 52. No teacher shall be employed in any of the public schools of the City of Stockton without having a certificate issued under the provisions of this Act. For the purpose of granting the certificate required the Board of Education, either as a body or by committee, or by the Superintendent, shall hold examinations of teachers. No certificate shall be issued except to a person who shall have passed a satisfactory examination in such branches as the Board may require, and shall have given evidence of good moral character, ability, and fitness to teach.

SEC. 53. The Board may, in its discretion, renew without reexamination the certificate of any persons so employed; it shall have power to revoke the certificate of any teacher upon evidence of immoral or unprofessional conduct or incompetency, and shall always have the power to dismiss any and all teachers, and to alter the amount of salary or compensation paid to either or any of them. Teachers'
certificates.

SEC. 54. It shall be the duty of the Board of Education to visit and examine each school at least once each and every Monthly
visits.

month, to observe and cause to be observed such general rules for the regulation, government, and instruction of the schools, not inconsistent with the laws of the State as may be established by the Board.

School
Fund.

SEC. 55. The School Fund of the City of Stockton shall consist of all moneys received from the State and County School Fund, of all moneys arising from taxes which shall be levied by the City Council for school purposes, of all moneys arising from the sale, rent, or exchange of school property, and of such other moneys as may from any source whatever be paid into said School Fund, which Fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this Act. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing of school moneys; and if at the end of the fiscal year any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year; and no part of the School Fund of said city shall be for any purpose or in any manner whatever diverted or withdrawn from said Fund, except as in section fifty-one of this Act provided.

Claims
payable.

SEC. 56. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and shall be approved by a majority of all the members of the Board, and have a certificate of such approval indorsed thereon before payment thereof by the City Treasurer. All demands for teachers' salaries shall be payable monthly.

Debt.

SEC. 57. All demands authorized by this Act, and by the Board approved as aforesaid, shall be paid by the City Treasurer from the School Fund upon presentation; *provided*, that the Board of Education shall not, without the consent of the City Council first had, have power to create any debt or liability in any one year to exceed the actual revenue or available means in the City Treasury under the control of the Board and justly applicable for school purposes for such year.

POLICE COURT AND POLICE DEPARTMENT.

Police
Court.

SEC. 58. A Police Court is hereby established in the City of Stockton, which Court shall always be open, except upon non-judicial days, and upon such days may transact criminal business only.

Police
Judge.

SEC. 59. On the second Monday of each year the City Council elected at the last preceding election shall appoint a Police Judge in and for said city, who shall be one of the then acting Justices of the Peace, elected by the people at large in and for said city, and who shall hold his office for one year and until his successor is appointed and qualified.

Jurisdic-
tion.

SEC. 60. The Police Court of the City of Stockton shall have exclusive jurisdiction:

First—Of all proceedings for violation of any ordinance of said city; of any and all suits to recover taxes, general or special, levied in said city, for city purposes, and of all suits to recover any assessments levied in said city for the improvement of streets, avenues, levees, sidewalks, or public squares, and for the

opening and laying out of the same, when the amount of said tax or assessment sought to be collected against the person, firm, or corporation assessed is less than three hundred dollars; *provided*, no lien upon the property taxed or assessed for the non-payment of the taxes or assessment is sought to be foreclosed by said suit. Jurisdiction.

Second—Of an action for the collection of money due to the City of Stockton, or from the city to any person, firm, or corporation, when the amount sought to be collected is less than three hundred dollars.

Third—Of an action for the breach of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is a party, or is in any way interested, and on all forfeited recognizances given to or for the benefit or in behalf of said city, and upon all bonds given upon an appeal taken from the judgment of said Court in any action by this Act made appealable, when the amount claimed, exclusive of costs, is less than three hundred dollars.

Fourth—Of an action for the recovery of personal property belonging to the city, when the value of the property, exclusive of the damages for the taking or detention, is less than three hundred dollars.

Fifth—Of an action for the collection of any license required by any ordinance of said city. And no Justice of the Peace in said city shall have power to try and decide any cases of the classes mentioned in this section; *provided*, that any Justice of the Peace of the City of Stockton who may be designated in writing by the Mayor or President of the City Council of said city for the purpose, shall have power to preside in and hold the Police Judge's Court of said city in the cases in which the Police Judge is a party or in which he is directly interested, or when the Judge is related to either party by consanguinity or affinity within the third degree, and also in case of the sickness or temporary absence of the Judge or his inability to act from any cause; and in all such cases, and during such sickness, temporary absence or inability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction, and authority which are or may be by law conferred upon said Court or Judge.

SEC. 61. The Judge of said Court shall have power to administer oaths, to punish persons guilty of contempt of Court, to issue warrants of arrest in cases of criminal prosecution for the violation of a city ordinance, also all subpoenas, and all other processes necessary to the full and proper exercise of his powers and jurisdiction; and all judgments of fines imposed by the Police Judge, not exceeding forty dollars, shall be final and without appeal. In all criminal trials before the Police Judge for violation of a city ordinance, the defendant shall be entitled, if demanded by him, to a jury trial, but a trial by jury may be waived by the defendant in all such cases, and upon such waiver the Court shall proceed to try and determine the case. Judicial power.

SEC. 62. The City Council shall furnish, for the use of the Police Court, two dockets; one shall be styled the City Criminal Dockets.

Docket, in which all criminal cases shall be recorded, and each case shall be alphabetically indexed; the other shall be styled the City Civil Docket, and it shall contain a record of every civil case which is prosecuted before said Court, and each case shall be properly indexed, and in all cases the docket shall contain all such entries as are required by law to be made in Justice's dockets, and in any case commenced or tried before the Court the docket must show what duties were performed by each officer, and the amount of fees due to the officer for such services, and the amount of money, if any, collected.

Appeals. SEC. 63. Appeals from the Police Court may be taken to the County Court of San Joaquin County in all cases cognizable by said Police Court, except as in section sixty-one of this Act otherwise provided, and such appeals shall be taken as in cases of appeal from a Justice's Court.

Processes. SEC. 64. All processes or warrants issued by the Police Judge in civil or criminal proceedings of which said Court has jurisdiction, shall be served, executed, and returned by the Chief of Police or any policeman of said city, or by any Sheriff or Constable of said city or county.

Fees. SEC. 65. The Police Judge shall receive and collect for all services rendered by him the same fees as are, or may hereafter be, allowed by law to Justices of the Peace for similar services; *provided*, that all fees for services rendered by the Police Judge, in any criminal proceeding, shall be collected and by him paid into the City Treasury.

Fees. SEC. 66. The Chief of Police, and any policeman, Sheriff, constable, or other officer duly authorized to appear in said Court, shall, for performing services therein, receive such fees in any action as are by law allowed for similar services in other Courts in the County of San Joaquin; *provided*, that no fees or costs whatever for services performed by any officer in the Police Court, or by the Judge thereof, shall be allowed or paid by the City of Stockton.

Sentences to labor for the city may be imposed and enforced. SEC. 67. In all cases where the Police Court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said Court of any offense triable therein, the said Court may sentence the offender to be imprisoned in the County Jail, and in addition to such imprisonment to be employed to labor in the city under the direction of the Chief of Police, and in the manner prescribed by ordinance, for the benefit of said city, during such term of imprisonment; and may, in case of imposing a fine, embrace, as a part of the sentence, that in default of the payment of such fine the defendant shall be imprisoned and required to labor for the benefit of the city, as before provided, at the rate of two dollars a day, till such fine is satisfied. Offenders required to labor under the direction of the Chief of Police, shall be returned to the County Jail at the end of each day's labor, during their term of imprisonment. It is hereby made the duty of the officer who shall have the control or charge of the County Jail of San Joaquin County to receive and safely keep all persons imprisoned by any judgment or order of the Police Court in accordance with the order of commitment, and to allow those to be removed from the jail, under the charge of the Chief of Police, who are required to labor

for the city; and the keeper of the jail shall in no way be responsible for the safekeeping of such prisoners while so under the charge of the Chief of Police.

SEC. 68. The Court shall have a seal, to be provided by the city, and certified transcripts of the Police Judge's docket and the seal of his Court shall be evidence in any Court of the State of the contents of the docket; and all warrants and other processes issued out of said Court, and all acts done by said Police Judge, under its seal, shall have the same force and validity in any part of this State as though issued or done by any Court of record of this State. Seal of the Court.

SEC. 69. The Police Judge shall, on the last Saturday of each month, make to the City Council a full report of all the cases tried in his Court for that month in which the city may be interested, and at the same time shall pay into the City Treasury all fines and other moneys collected on behalf of the city for such month. Reports.

SEC. 70. The City Council may, in their discretion, in addition to the fees allowed by this Act, allow to the Police Judge a yearly salary, which shall not exceed one hundred and fifty dollars. Salary.

SEC. 71. The Chief of Police, or any policeman of the City of Stockton, is hereby authorized and empowered to serve, execute, and return any and all warrants of arrest and all processes directed to him by the Police Judge of said city, and to arrest all persons accused or guilty of the violation of any city ordinance, or of any public offense, and to do and perform all acts and duties which in criminal cases any constable of San Joaquin County may lawfully do, and receive like fees for such services; *provided*, they shall not serve or execute any civil process except as provided in this Act; and the Chief of Police shall attend the sessions of the Police Court when required, supervise and direct the police force of the city, and perform such other duties as may be required of him by the City Council, appertaining to the government of the city or the management of its affairs, not specially devolved upon some other officer named in this Act; and the Chief of Police, or any policeman, at his direction, shall serve all notices by this Act provided to be served in which the city is in any way interested, and the return of the officer so serving shall be evidence of the facts in such return stated. Duties of Police.

SEC. 72. The Justices of the Peace in and for the township embracing the City of Stockton shall have the same powers as the same officers in any Justice's Court of the County of San Joaquin, and shall have and may exercise like powers and authority; *provided*, however, that no Justice of the Peace in said city shall have power to conduct or try and decide any proceedings or cases of the classes mentioned in section sixty of this Act; but nothing in this section shall be construed to prevent any of the Justices in said city from acting as Police Judge. Justices of the Peace.

SEC. 73. All orders of the City Council, to have force and legal validity, shall be entered on the journal of their proceedings, which journal shall be signed by the officer who may preside at such meeting. ✱

SEC. 74. Upon the passage of all ordinances appropriating money, imposing taxes, abolishing licenses, increasing or lessening Entry of orders on journal.

ing the amount to be paid for licenses, the ayes and noes shall be entered upon the journal.

Appropriations by ordinance.

SEC. 75. A majority of all the members elected shall be necessary to pass any ordinance appropriating for any purpose the sum of five hundred dollars or upwards, or any ordinance imposing any assessment tax or license, or in anywise increasing or diminishing the city revenue.

Style of ordinance.

SEC. 76. The style of the city ordinances shall be as follows: "The Mayor and City Council of the City of Stockton do ordain as follows," and all ordinances shall be published in one or more of the newspapers published in the city.

Disqualification.

SEC. 77. The interest which an inhabitant of the City of Stockton may have in a penalty for a breach of a by-law or ordinance of said city shall not disqualify said inhabitant to act as Judge, juror, or witness in any prosecution to recover the penalty.

Contracts.

SEC. 78. The corporation shall contract by its corporate name.

By-laws and ordinances.

SEC. 79. By-laws and ordinances shall be passed by the City Council and approved by the Mayor, or the President of the City Council acting in his stead. But before any by-law or ordinance shall have any binding validity, it shall be published in one or more newspapers published in the City of Stockton, and recorded in the record book to be kept by the Clerk. The Clerk shall certify on the record the fact of publication, and so certified, the record shall be prima facie evidence of the passage thereof, and may be read as evidence of the by-law or ordinance and its publication.

Succession to corporate powers and duties.

SEC. 80. The body politic and corporate created by this Act is hereby substituted and shall take the place of the municipal government of the City of Stockton created under any previous Act of the Legislature and existing at the date of the passage of this Act; and all the property, real and personal, now held or owned by the existing government, and all the demands, claims, and rights to taxes, wharfage rates, license taxes, assessments, fines, and penalties, or liabilities now due and unpaid to the City of Stockton, are hereby vested in the corporation created by this Act; *provided*, that the proceeds to be derived from the sale of any property owned by the City of Stockton on the first day of February, Anno Domini eighteen hundred and seventy, shall be applied to the payment of the old city debt, so long as the same or any part thereof shall exist. The corporation hereby created shall assume and pay and be liable for all demands, contracts, bonds, obligations, and liabilities existing against the City of Stockton under the existing charter, in the manner hereinbefore provided.

Bonds.

SEC. 81. No ordinance, order, resolution, statement, or other writing or direction of the City Council authorizing or directing the issuance or delivery of any bond or bonds in which said city may be in any way interested, shall be valid or effectual for any purpose, unless two thirds of the entire number of the members elected concur in the passage thereof.

The funded debt.

SEC. 82. Nothing in this Act shall be construed as in any way or manner affecting the several Acts of the Legislature of the State of California relative to the funding the debt of said

city or for the issuance of bonds in payment thereof; nor shall this Act in any way or manner affect any Act passed by said Legislature at its nineteenth session, relating to or in any way concerning said city. An Act entitled "Charter of the City of Stockton, an Act to reincorporate the City of Stockton," approved April second, eighteen hundred and seventy, and all other Acts incorporating said city, are hereby repealed; *provided*, that the validity of the ordinances of the Common Council of the City of Stockton and of the authorities of said city, shall in nowise be affected thereby; *provided* further, that the validity of any rights, titles, claims, or demands acquired by said City of Stockton or against it, or by or against any person, a fine under any of said Acts or laws made thereunder, shall not be impaired or affected by the provisions of this Act. Repealed.

SEC. 83. The officers of the present city government shall severally continue for the terms of the several offices for which they were elected, with such powers and duties as herein provided. Continuance in office.

SEC. 84. This Act shall take effect from its approval.

CHAPTER CCCCXXIII.

An Act to enable the heirs or next of kin of Thomas Spriggs, deceased, to inherit his estate.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The disability by reason of alienage of the heirs Cured. or next of kin of Thomas Spriggs, deceased, to inherit the estate of said deceased is hereby removed.

SEC. 2. All the right, title, and interest that the State of Released. California has or may have in or to said estate or any part thereof is hereby released to the heirs or next of kin of the said Thomas Spriggs, deceased.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCXXIV.

An Act to put into effect the provisions of the Civil Code relative to water rights.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

The Civil
Code.

SECTION 1. Title VIII (eight) of Part IV (four) of Division Second of the Civil Code of the State of California shall be in full force and effect from and after the first day of May, eighteen hundred and seventy-two.

Printed
copies.

SEC. 2. The Revision Commission are hereby authorized to cause to be printed and certified by their Chairman twelve hundred copies of Title VIII (eight), in pamphlet form, and to distribute them to the members of the Legislature and county officers of the several counties.

SEC. 3. This Act shall be in force and effect from and after its passage.

CHAPTER CCCCXXV.

An Act to legalize applications heretofore made for the purchase of lands belonging to this State, and to confirm the title of the purchasers under such applications.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Applica-
tion
legalized.

SECTION 1. All applications heretofore made for the purchase of lands belonging to this State under the provisions of any Act authorizing the sale of State lands, shall be good and valid, although the land described in such application and affidavit may be styled salt marsh and tide land, when in fact it is swamp and overflowed land; or may be styled swamp and overflowed land, when in fact it is salt marsh and tide land; or may be styled swamp and overflowed and salt marsh and tide land, when in fact it may be either. And the application first made shall have the preference by whatever style it may describe the land; *provided*, the same be in all other respects substantially conformable to law.

Patents
declared
valid.

SEC. 2. In all cases where patents have been or may hereafter be issued upon any such application or affidavits as described in section one of this Act for any such land, the same shall be deemed and held to convey the legal title to the land in such patent or patents described to the purchaser therein mentioned, by whatever style such land may be designated in

such patent; and the State of California does hereby grant to the purchasers named in such patents, or their assigns or grantees, in case the title has been transferred, all its right, title, and interest in and to the lands in such patents described.

SEC. 3. The provisions of this Act shall not be construed to Excepted. recognize, confirm, or validate any title to any lands lying within five miles of the City and County of San Francisco or of the City of Oakland, or within one and a half miles of the State Prison at San Quentin.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXXVI.

An Act to amend an Act entitled an Act to amend the charter of Los Angeles, approved February twentieth, eighteen hundred and seventy-two.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said Act is hereby amended so as to read as follows:

Section 6. Whenever any person or persons are hereafter convicted of any misdemeanor in any of the Courts of the several Justices of the Peace in Los Angeles Township, or in the County Court of Los Angeles County, it shall be lawful, and the several Courts are each hereby empowered in their discretion to sentence such person or persons so convicted to perform labor on the streets or other public works of said City of Los Angeles in lieu of solitary confinement in the County Jail of said county as now provided by law. No such term of sentence shall in any case exceed the term now fixed for the punishment of misdemeanors under the laws of this State, and the several Courts are hereby empowered to enforce all such judgments so rendered by them, which labor shall be performed by the person or persons so convicted and sentenced as is now or may hereafter be prescribed by the ordinances of the City of Los Angeles.

Sentence to labor may be imposed for misdemeanor.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXXVII.

An Act to better define the duties and fix the compensation of certain officers of Solano County.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

License
Collector.

SECTION 1. The Sheriff of Solano County shall be ex officio Collector of all licenses in said county, and receive therefor the fees now allowed by law, and be allowed as Jailer a salary of twelve hundred (\$1,200) dollars per annum, which shall be paid monthly out of the County Treasury of said county.

Salary and
fees of
County
Clerk.

SEC. 2. The County Clerk of said county shall receive for all services required of him as County Clerk and ex officio Clerk of the District Court, County Court, Probate Court, Board of Supervisors, and Board of Equalization, a salary of four thousand dollars per annum, which salary shall be in full for all services required of him as aforesaid, and it shall be paid monthly out of the County Treasury. He shall collect and safely keep all fees of whatever kind or nature allowed him by law for services rendered by him in his several official capacities, and upon the first Monday of each and every month shall pay the same over to the County Treasurer of said county, and shall at the same time make out and file with said Treasurer a full and accurate statement, under oath, of all fees, of whatever kind or nature, received in his several official capacities for the preceding month.

District
Attorney.

SEC. 3. The District Attorney of said county shall receive a salary of two thousand and two hundred dollars per annum, which shall be paid monthly out of the Treasury of said county.

Payment of
salaries.

SEC. 4. It shall be the duty of the County Auditor of said county, on the first Monday of each and every month, to draw a warrant upon the County Treasurer in favor of the officers herein named for the amount of salary due each month under the provisions of this Act; and said warrants shall be paid in gold and silver coin on presentation to the County Treasurer.

SEC. 5. This Act shall take effect from and after its passage; and all Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

CHAPTER CCCCXXVIII.

An Act to define the fire limits of the Town of Mokelumne Hill, in Calaveras County, and to provide for the support of the Fire Department thereof.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The boundaries of the fire limits of the Town of Mokelumne Hill are hereby established so as to include all of the territory situated within the limits of the lines of survey made by the United States Deputy Surveyor, and known as the Town Site of Mokelumne Hill. Boundaries

SEC. 2. The Board of Supervisors of Calaveras County are hereby required to levy and cause to be collected at the same time and in the same manner as other property taxes are levied and collected, a tax not exceeding twenty cents on each one hundred dollars of taxable property within the fire limits, as established by section one of this Act. Special tax

SEC. 3. The money derived by the provisions of this Act shall be collected by the Tax Collector of Calaveras County, and by him paid to the Treasurer thereof, and shall be placed in a separate Fund, to be known as the Special Fire Department Fund of Mokelumne Hill. Fire Department Fund.

SEC. 4. The Board of Delegates of the Fire Department of Mokelumne Hill are hereby authorized and empowered by a majority vote at any regular or special meeting, to appropriate any moneys derived under the provisions of this Act to the repair or construction of cisterns, the purchase or repair of hose, or to any other purpose which they may deem necessary for the benefit of the said Fire Department; and it shall be the duty of the Treasurer of the county, whenever the said Board of Delegates, through the Treasurer of the Fire Department, may demand, to pay over to him any moneys which may be remaining in the said Special Fire Department Fund. Expenditures.

SEC. 5. No fees shall be retained by either the Tax Collector or Treasurer of Calaveras County for the collection or disbursement of any moneys derived under the provisions of this Act. Fees.

SEC. 6. All laws and parts of laws, in conflict with the provisions of this Act, are hereby repealed.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXXIX.

An Act to amend an Act entitled an Act to amend an Act entitled an Act to create and organize a Fire Department for the Town of Mokelumne Hill, approved April twenty-fourth, eighteen hundred and sixty-two, approved March twenty-sixth, eighteen hundred and sixty-eight.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Storage of
explosives.

SECTION 1. Section one of said Act is amended by adding the following words, to wit: It shall be unlawful for any person or firm to keep in any building situated within the fire limits of Mokelumne Hill any quantity of gunpowder exceeding one hundred pounds, or any quantity of other explosive materials exceeding fifty pounds; and any person violating the provisions of this Act shall be subject to all the penalties prescribed therein.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXXX.

An Act concerning assessments upon the stock of corporations.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Excepted

SECTION 1. So much of the Act entitled "An Act concerning assessments upon the stock of corporations," approved April fourth, eighteen hundred and sixty-four, which prohibits the collection of assessments upon stock while any portion of the previous assessments shall remain unpaid, shall not apply to the "Southern District Agricultural Association."

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCXXXI.

An Act to authorize road districts in San Joaquin County to levy a special tax.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of San Joaquin may, Election to levy tax. at any time upon petition of twenty-five qualified electors of any road district, order an election for the purpose of levying a road tax in such district, and for the election of an Assessor and Collector in such district.

SEC. 2. The time and place and two Judges of such election Time, place, regulations, and result. shall be designated by said Board at least thirty days prior to such election by notice from said Board published in some newspaper in said county having general circulation, or by posting notices in three most public places in such district for thirty days; all the qualified electors residing in any such road district shall be entitled to vote at any such election; and it shall be the duty of the Judges so appointed to return the tally list and ballots to the said Board within three days after such election, and if said Board find that a majority of the votes cast are in favor of any one amount of tax, it shall be entered on their record and a certificate thereof given to the Assessor and Collector; and the persons receiving the highest number of votes at such election for the office of Assessor and Collector shall be declared to be duly elected to those offices respectively, and the same shall be made a matter of record with said Board, and certificates of such election shall be issued to said Assessor and Collector.

SEC. 3. The tax voted by a majority of the qualified electors Limitation. of the district at any such election shall not exceed one dollar on each one hundred dollars of assessed valuation in any one year.

SEC. 4. All the property, real or personal, in the district Assessment voting any such tax shall be assessed at its full cash value by the Assessor elected by such district, at any time between the first of May and the first of September in the year in which such tax may have been voted.

SEC. 5. The assessment roll of the district must be returned Equalization. as soon as completed to the Board of Supervisors; and it shall be the duty of said Board to equalize the assessment so returned as the county assessment roll is equalized.

SEC. 6. The Collector shall, within sixty days after the Collection. district roll has been completed by equalization, collect the tax so levied, and pay the same immediately into the County Treasury, to be kept by the Treasurer in separate Road District Funds.

SEC. 7. If any such tax be not paid within the sixty days Delinquents. aforesaid, then the tax so delinquent shall be collected in the

same manner as provided by law for the collection of delinquent State and county taxes.

Disburse-
ments. SEC. 8. The money so collected and paid into the District Funds may be expended by said Board in the respective districts, and shall be paid out of such District Funds only on the order of the Board of Supervisors.

Exception. SEC. 9. At any election held under the provisions of this Act, the same shall be conducted as the general election laws require, except that the voters shall not be required to be enrolled thirty days in the precinct.

CHAPTER CCCCXXXII.

An Act to reincorporate the Town of Santa Rosa.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Incorporation. SECTION 1. The people of the Town of Santa Rosa shall be a body politic and corporate, under the name and style of the City of Santa Rosa, and by that name shall have perpetual succession, and by that name may sue and defend in all Courts, make contracts, purchase, receive, and hold property, sell, convey, transfer, or authorize the disposition of the same, and by that name may do any and all acts which the said city has power to do under this Act of incorporation. Said city may have a common seal, and may alter the same at pleasure.

Boundaries. SEC. 2. The corporate limits of the City of Santa Rosa shall be as follows, to wit: Commencing in the middle of Matanzas Creek, at the northeast corner of the lands of John Brown and John Richards, thence southerly on the easterly line of the lands of Brown and Richards to a point in a continuation of the northerly line of the Santa Rosa and Sebastopol Road; thence westerly in a direct line to the northerly line of said road, and along the northerly line thereof to a point thirty feet westerly from the middle of the railroad track of the San Francisco and North Pacific Railroad Company; thence northerly, parallel with the middle of said railroad, to the northerly bank of Santa Rosa Creek; thence westerly and northerly along the bank of said creek to the land of James P. Clark; thence northerly, in a direct line, across the lands of James P. Clark and John F. Boyce, to the southwest corner of Wesley Mock's land; thence northerly along the westerly line of Mock and Morgan's land to Morgan's northwest corner; thence easterly along the northerly line of Morgan's land, and a continuation thereof, to the westerly line of the Healdsburg public road; thence southerly along the westerly line of said road to a point in continuation of the southerly line of H. Wilson's land; thence easterly to and along the southerly line of said H. Wilson's land to his

southeast corner; thence in the same direction on the land of G. W. Davis to a point due north of the northeast corner of James M. Williams' land; thence south to Williams' northeast corner; thence southerly along the easterly line of J. M. Williams' land to Santa Rosa Creek; thence down the middle of said creek to a point due north of the place of beginning; thence south to the place of beginning.

SEC. 3. The corporate powers of the City of Santa Rosa shall be vested in a Board of five Trustees. Any three of said Trustees shall constitute a quorum. The meetings of said Board of Trustees shall be at stated times and places, established by ordinance, but they may be convened by the President at any time. Said Board of Trustees shall assemble on the first Monday after their election, and shall take the oath of office, and shall choose a President from their number, who shall be the President of said Board of Trustees. Said Board of Trustees shall judge of the election and qualification of its own members. They shall keep a journal of their own proceedings, and upon the request of any member shall cause the yeas and nays to be taken on any question before them, and entered upon the minutes. Their proceedings shall be public. In case of vacancy by death, resignation, or otherwise, the remaining Trustees shall have power and are required to fill such vacancy by appointment, entered upon their minutes.

SEC. 4. The officers of said city shall be a Board of five Trustees and a President thereof, a Recorder, a Treasurer, a Street Commissioner, a City Attorney, a City Clerk, a Marshal, and an Assessor, who shall hold their respective offices for the term of one year, and until their successors are elected and qualified.

SEC. 5. An election shall be held in said city for the election of the officers mentioned in the last preceding section. The first election shall be held on the first Saturday in April, A. D. eighteen hundred and seventy-two, and annually thereafter on the same day. All male citizens residing within the corporate limits of said city, and who have resided therein thirty days before the day of said election, and who are entitled to vote for members of the Legislature, shall be entitled to vote at all elections for officers of said city.

SEC. 6. The Board of Trustees shall, by an order entered on their minutes, fix the place for holding city elections. They shall, by order entered on their minutes at least fifteen days before the first Saturday in April in each year, direct the City Clerk to post a notice of said city election to be held on said day, and may direct a like notice to be published in some newspaper published in said city and designated in said order, and shall by like order appoint one Inspector and two Judges of said election, who shall be qualified electors of said city. The City Clerk shall, after the entry of said orders, and at least ten days before the day of such election, post a notice of such election in three public places in said city, and if said order require, shall publish said notice in the newspaper designated in said order. Said notice shall designate the time and place of holding said election, the time of opening and closing the polls, the officers to be elected, and the names of Judges

Same.

and Inspectors of said election. At nine o'clock A. M. of said day said Inspector and Judges shall appear at the place of holding said election. If either or all of said officers shall fail to appear at said time and place, the bystanders may elect some qualified elector or electors to serve in the place of such absent officer or officers. The Inspector and Judges shall be sworn to the faithful performance of their duties, and shall appoint two clerks, who shall be duly sworn before entering upon their duties. The ballot box shall then be opened for the reception of votes, and the election shall be conducted, the votes counted, and the result declared by the Inspector and Judges in the same manner as at State and county elections, and the returns shall be made to the City Clerk. The polls shall be opened at nine o'clock A. M. and closed at six o'clock P. M.

Trustees
and other
officers.

SEC. 7. The five persons receiving the highest number of votes for Trustees shall be declared elected Trustees, and the person receiving the highest number of votes for any city office shall be declared elected to said office; but no person shall hold two city elective offices at one time. If two persons receive the same number of votes for any office, and an election is thereby prevented, the Board of Trustees, or so many of them as may be elected, shall elect one of said persons to said office and cause a certificate of election to be issued to him. The said Inspector and Judges shall, within five days after each election, issue certificates of election to the persons elected. The term of office of the members of the Board of Trustees shall commence on the Monday next succeeding their election, and shall continue for one year and until their successors are qualified. The Recorder, Treasurer, Street Commissioner, Marshal, and Assessor elect shall, within ten days after receiving a certificate of election, file their bonds respectively and take the oath of office, which shall be indorsed on their respective bonds. If any officer of whom bonds are required shall fail to file his bond and take such oath of office within said ten days, said Board of Trustees may, by order entered on their minutes, declare such office vacant, and proceed to fill the same by appointment entered on their minutes. The City Clerk shall file any bond offered with the oath of office indorsed thereon; but if such bond shall not be approved by the Board of Trustees, they shall, by order entered on their minutes, direct the City Clerk to notify the officer filing said bond that said bond is not approved; and if such person shall, for the term of ten days after receiving said notice, fail to file another and additional bond which said Board of Trustees shall approve, said Board may, by an order entered on their minutes, declare said office vacant and fill the same by appointment. The order approving every bond shall be entered on the minutes, with the date thereof. The terms of office of said Recorder, Treasurer, Street Commissioner, Marshal, and Assessor shall commence at the time of the approval of their respective bonds, and shall continue until the approval of the bonds of their respective successors, and no longer. The City Attorney shall hold his office during the pleasure of the Board of Trustees, and may be removed by said Board and another person appointed at pleasure. The City Clerk shall hold his office during the pleasure of the Board of

Trustees, and may be removed by said Board and another person appointed at pleasure.

SEC. 8. Any person who has at an election received votes for any city office, and who is dissatisfied with the counting of votes made by the officers of election, may, within five days after the result of said election is declared by the officers of election, serve a notice in writing on the person declared by said officers to be elected to said office, notifying him that he will contest said election before the Board of Trustees, and shall file a like notice with the City Clerk; and said Board are authorized and directed to notify the parties of the time and place of hearing to hear testimony, to examine the witnesses and the ballots of said election, and to determine between said contestants, which decision and determination shall be entered on the minutes of the Board and shall be final. If said Board find that no certificate of election has been issued, they shall issue such certificate to the person they have so found to be entitled. If they find that the officers of election have issued a certificate of election to the wrong person, they shall, by order entered on their minutes, declare such certificate void, and shall, by like order, direct the Clerk to issue a certificate of election to the person found by said Board to be entitled thereto; and the person to whom such certificate is so issued shall be deemed to be the person elected. Contested elections.

SEC. 9. The Recorder, Treasurer, Street Commissioner, City Attorney, City Clerk, Marshal, and Assessor, before entering upon the duties of their respective offices, shall give bonds for the faithful performance of the duties of their respective offices, payable to the City of Santa Rosa, in such penalties and with such sureties and conditions as the Board of Trustees may by order entered on their minutes direct, said bonds to be approved by said Board of Trustees. Said Board of Trustees may at any time, by an order entered on their minutes and the service of a copy thereof on any city officer who has given bond, require of said officer an additional bond. If such officer shall, for the space of ten days after receiving such copy of said order, fail to file an additional bond that shall be approved by said Board of Trustees, said Board may, by order entered on their minutes, declare his office vacant and fill the same by appointment. Official bonds.

SEC. 10. The Board of Trustees shall have power to, and it is hereby made their duty to make such ordinances, not inconsistent with the laws and Constitution of the United States and of this State, as they may deem necessary for the purposes following: To prevent and remove nuisances within the limits of said city; to regulate and prohibit the storage of gunpowder, hay, and all other combustible materials; to prohibit disorderly conduct; to license and regulate auctioneers, taverns, bar rooms, theatricals, circuses, and all shows, concerts, and places of amusement; to license and regulate tipling houses and dram shops, hawkers, peddlers, and pawnbrokers; to regulate and prohibit dance houses, houses of ill-fame, and disorderly houses of all kinds; to prevent and punish disorderly conduct in the presence of the Board of Trustees, and disturbances of a meeting thereof; to fix the time and places of the meetings of the Board of Trustees; to establish rules for the proceedings Powers and duties of the Board of Trustees

Powers and duties of the Board of Trustees. of the Board; to require bonds of all city officers except the Trustees—no Trustee to be directly or indirectly interested in any contract made by them, or in any pay for work done under their direction or supervision, and to fix the amount and penalties thereof, and the number and qualifications of the sureties thereon, and the condition of said bonds; to lay out, alter, and establish all streets, alleys, sidewalks, crossings, and public grounds of the city, and to establish grades of the same; to lay out, locate, and establish sewers and drains in said city; to provide for the prevention, by fine and imprisonment, of running at large in said city of horses, swine, mules, sheep, goats, and cattle, and for the impounding the same and selling them to pay expenses and costs of such impounding, keeping, and selling, and paying in such fines; to compel the muzzling and killing of dogs, and to authorize their being killed; to establish and regulate markets; to prohibit slaughter houses within said city, and the slaughtering of cattle, swine, sheep, and goats in said city; to establish a Police Department, and regulate the proceedings and conduct of the same; to provide for and establish a chawngang, and to regulate the proceedings and conduct of the same; to provide for and establish a Fire Department, and to regulate the proceedings and conduct of the same; to establish public reservoirs and works for supplying the city with water; to provide modes and manner of lighting streets and public grounds; to establish the manner of appropriating fines, penalties, and forfeitures for breaches and violations of ordinances and non-compliance therewith; to ordain, establish, and impose fines, penalties, and forfeitures for the breach or violation of any ordinance, or for non-compliance therewith; *provided*, that no ordinance shall fix the fine for one offense above three hundred dollars, or the imprisonment for one offense more than one hundred and fifty days; and *provided*, that such ordinance may provide an alternative judgment may be rendered imposing a fine, and, on failure to pay the same, imprisoning the person one day for each two dollars of such fine; to provide for the removal of dirt, filth, and obstructions from the streets, alleys, sidewalks, and public squares of said city, and to punish for the depositing of stone, dirt, filth, and obstructions in the streets, alleys, sidewalks, and public squares of said city; to provide for the forcible abating and removal of nuisances; to prevent and punish the depositing of dead animals and filth in said city, or in Santa Rosa Creek, and to establish sanitary regulations for the health of the city or to prevent the spread of infectious diseases. The said Board of Trustees shall be the general agents of said city for the management of the affairs thereof, and shall have the general supervision of the same and control thereof, and by orders entered on their minutes shall have power to make contracts; to levy a tax annually for general purposes on all property in the city subject to taxation, not exceeding one per cent of the assessed value thereof, and to order the same collected; to order the collection of a street tax annually of two dollars on each male person over the age of twenty-one and under the age of sixty years residing in said city; to levy and order collected a tax not to exceed five dollars on each and every dog

owned or kept within the city limits; and the Board of Trustees may, by order entered on their minutes and by notice of ten days previously given in the same manner as notices of city elections are required to be given, submit at any election the question of levying such other tax as may be required, specifying the rate and the manner of voting; to expend the amount collected of the tax; to construct public reservoirs and other works necessary to supply the city with water and keep the same in repair; to construct and keep in repair public cisterns and wells; to purchase and repair fire engines, hose, and other apparatus necessary or needed in the Fire Department; to build or rent buildings for the use of said city, and for the use of the Fire and Police Departments thereof; to open, repair, and construct streets, alleys, crossings, sidewalks, and public grounds, and to grade the same; to furnish lights for the streets, alleys, and public grounds; to approve all bonds of city officers; to appoint Policemen and Watchmen, and to discharge the same; to establish and regulate a City Prison; to control, pay out, and expend the funds of said city, and to do any and all acts necessary to the proper performance of their duties under the charter of said city. They shall receive four dollars per day while sitting as a Board of Equalization, but shall receive no other compensation.

Powers and
duties of
the Board
of Trustees.

SEC. 11. The Board of Trustees shall not contract any liability, either by borrowing money, loaning the credit of the city, or contracting debts which, singly or in the aggregate with any previous debts or liabilities contracted by the Board of Trustees, shall exceed the sum of one thousand dollars over and above the amount in the Treasury; *provided*, that upon the levying of any tax the said Board may, in addition to the above, contract debts and liabilities equal in the aggregate to one half of the amount of said tax.

City debt.

SEC. 12. All bills, claims, and demands against said city shall be plainly stated in writing and verified by the oath of the claimant or some one in his behalf; the items of the claim shall be particularly stated therein. Said claim shall be filed with the City Clerk, who shall present it to the Board of Trustees, who shall allow or reject the same, in whole or in part. No bill, claim, or demand shall be allowed in whole or in part by the Board of Trustees unless so made and verified. No action shall be commenced against said city unless the bill, claim, or demand upon which it is founded shall have been first so presented in writing, by filing the same with the City Clerk, nor until one month after such filing. Upon the expiration of said month, if such claim, bill, or demand shall not have been allowed in full by said Board of Trustees, an action may be commenced on the same. If said bill, claim, or demand shall have been allowed in part by said Board of Trustees, and suit shall thereafter be commenced, and no more is recovered against said city than the amount so allowed, no costs shall be allowed against said city, but said city shall recover costs. If no action shall be commenced within one year after the expiration of said month, the bill, claim, or demand so filed, of whatever

Payment
of claims.

Payment
of claims.

nature it may be, shall be forever barred and incapable of being revived in any manner whatever. No action shall be commenced or maintained against said city for damages sustained by reason of the omission of said city to comply with its own ordinances or orders, or omission to carry out or enforce the same. All bills, claims, or demands finally allowed by said Board of Trustees shall become and be a debt against said city, and shall be paid in the usual course of business, unless otherwise agreed. Warrants on the Treasury shall be ordered drawn for all bills, claims, or demands so allowed, which warrants shall be signed by the President, countersigned by the Clerk, and numbered and payable out of each Fund in the order of their numbers.

President
of Board of
Trustees.

SEC. 13. The President of the Board of Trustees shall preside over all meetings of the Board at which he is present. In his absence a President pro tem may be chosen. The President, and in his absence the President pro tem, shall sign all warrants drawn on the City Treasurer, and shall sign all written contracts entered into by said city, as such President or President pro tem, and shall have the custody of the seal of said city, and shall affix the same whenever necessary. The authority and power of the President pro tem shall continue only during the day on which he is chosen. The President and President pro tem shall have power to administer oaths and affirmations, and take affidavits and certify the same under their hands. The President or President pro tem shall sign all conveyances made by said city, and all instruments which shall require the seal of the city. The President is authorized to acknowledge the execution of all instruments executed by said city that require to be acknowledged.

Recorder.

SEC. 14. The Recorder of said city, as to crimes and offenses committed within the limits of said city, shall have like criminal jurisdiction as now is or may hereafter be conferred by the laws of this State on Justices of the Peace; and all the laws of this State relating to the jurisdiction of Justices of the Peace in criminal cases, to the processes issued by them, the trial of such cases, holding to bail, committing to prison, and appeals, and other matters connected with such criminal cases, and all laws hereafter passed relating thereto, shall, as to crimes and offenses committed within the limits of said city, be applicable to said Recorder, and the jurisdiction and practice of, and in his Court substituting in said law the word "Recorder" for the word "Justice." The Recorder shall also have jurisdiction over all breaches and violations of city ordinances and non-compliance therewith, and the proceedings in such cases shall be the same in all respects as the proceedings in other criminal cases before such Recorder, except that in cases of any imprisonment for any breach or violation of or non-compliance with a city ordinance, such imprisonment shall be in the City Prison. Appeals to the County Court may be taken from judgments in prosecution for breaches and violations of or non-compliance with said city ordinances as in other criminal prosecutions, and the like proceedings shall be had therein. The Recorder shall have power to administer all oaths and affirmations, and to take affidavits and depositions to be used in any Court or proceeding in

this State, and to certify the same. He shall also have full Recorder. power to take and certify the acknowledgments of all persons to deeds, mortgages, leases, and contracts of lands and premises and tenements lying and being in whole or in part within the limits of said city, and of all instruments affecting such lands and premises and tenements. None of the hereinbefore mentioned and granted powers shall be taken from said Recorder by any general law, unless he is expressly mentioned and included therein. The city shall furnish said Recorder with a seal, on which shall be engraved the arms of this State and the words "Recorder of the City of Santa Rosa." The Recorder shall affix said seal to all acknowledgments, and to all certificates to be used outside of said city. All processes of every description issued from said Recorder's Court or signed by him, may be executed by the City Marshal or any of his deputies, or by any Constable of the Township of Santa Rosa, or by the Sheriff of the County of Sonoma, or any of his deputies. The Recorder shall keep a docket and a record of his proceedings in the same manner and form as is required of Justices of the Peace. For all oaths, affirmations, affidavits, depositions, acknowledgments, and certificates taken or made by him, the Recorder shall receive the same fees as Notaries Public. In all criminal proceedings, not for breach, violation of, or non-compliance with, a city ordinance, he shall be entitled to the same fees as a Justice of the Peace, to be paid in the same manner. In proceedings for the breach, violation of, or non-compliance with, any city ordinance, he shall receive such fees or such salary as shall by ordinance be fixed by the Board of Trustees. All fines and penalties imposed and collected in criminal proceedings, not for breach, violation of, or non-compliance with, a city ordinance, shall be paid into the County Treasury by the Recorder. All other fines and penalties shall be paid into the City Treasury. Such payments shall be made at the end of every quarter of the fiscal year of said city. The Recorder shall keep a full and clear statement and account of all moneys received and paid, and shall, at the end of each quarter, file with the City Clerk a statement showing, item by item, the receipts and expenditures of such quarter, so far as said city is concerned, and shall file with the County Clerk a like statement, so far as said county is concerned. All fines, penalties, and forfeitures imposed by said Recorder, and collected, shall be paid to him, to be paid by him as aforesaid, except that he may retain such of his fees in any particular case as may be collected in that case. The City Recorder shall have the same power to hear, try, and determine suits for the collection of delinquent city taxes that a Justice of the Peace now has in the collection of delinquent State and county taxes, and shall use the same process, and collect and receive the same fees, and proceed in all things in the same manner. And all laws now applicable to said Justices in the collection of taxes shall be applicable to said Recorder.

SEC. 15. The Department of Police of said city shall be under the direction and control of the City Marshal; and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers

Police
depart-
ment.

that are now or may hereafter be conferred upon Sheriffs by the laws of the State, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city, and every citizen shall also lend him aid, when required, for the arrest of offenders and maintenance of public order. He shall, as is hereby authorized, execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the Recorder for all breaches or violations of or non-compliance with any city ordinance which shall come to his knowledge. He shall collect all taxes levied by the Board of Trustees, except as is herein further provided. He shall at the expiration of any month pay to the City Treasurer all taxes and other funds of said city collected by him during said month, deducting his fees for collecting. He shall, upon payment of the money, file with the Treasurer an affidavit stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon receipt of any tax list, give his receipt for the same to the City Clerk, and shall, upon depositing with the City Clerk the delinquent tax list, take his receipt therefor. He shall receive from the Clerk all city licenses, and collect the same. He shall have charge of the City Prison and prisoners and of any chain gang which may be established by the Board of Trustees. He shall, for service of every process, receive the same fees as Constable of Santa Rosa Township. He may appoint, subject to the approval of the Board of Trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the City Marshal. He may, also, with the concurrence of the President of the Board of Trustees, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall be entitled to receive and retain five per cent upon all moneys collected by him on account of any tax list placed in his hands, and upon all licenses collected by him.

Treasurer.

SEC. 16. It shall be the duty of the Treasurer to receive and safely keep all moneys which shall come into his hands as City Treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall pay out said money on warrants signed by the President and countersigned by the Clerk, and not otherwise. He shall make quarterly settlements with the City Clerk. For his compensation he shall be allowed one per cent on all moneys received and paid out by him as such Treasurer. He may credit himself with such per cent in his settlement with the City Clerk. Upon each quarterly settlement he shall file a statement of his account with the City Clerk.

Street
Commis-
sioner.

SEC. 17. It shall be the duty of the Street Commissioner to ascertain and enter complaints, before the Recorder, of all breaches or violations of and non-compliance with any ordinance relating to or concerning streets, sidewalks, alleys, and public grounds. He shall, under the supervision and direction of the Board of Trustees, have the general supervision and

care of all streets, sidewalks, alleys, sewers, and public grounds. He shall be allowed three dollars per day for his services while actually engaged in the business of said city. The Board of Trustees may by ordinance further establish and define his duties.

SEC. 18. It shall be the duty of the Assessor, between the first day of May and the first day of August in each year, to make out a true list of all the taxable property within the city. The mode of making out of said list and all proceedings relating thereto shall be in conformity with the laws now in force regulating County Assessors, except as the same may be otherwise provided in this Act. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by County Assessors. Said Assessor shall verify said list by his oath, and shall deposit the same with the City Clerk on or before the first Monday of August in each year. The Assessor shall, during said time, also make a list of all male persons residing within the limits of the City of Santa Rosa over the age of twenty-one years, and shall verify said list by his oath, and shall, on or before the first Monday of August in each year, deposit the same with the City Clerk. The said Assessor shall, during said time, make a list of all dogs owned and kept within the limits of said city, with the names of the owners and keepers thereof, and verify said list by his oath; and shall, on or before the first Monday in August of each year, deposit said list with the City Clerk. Said Assessor may appoint a deputy, and for his services shall be allowed three dollars per day, and the same for his deputy; *provided*, the amount paid said Assessor and his deputy shall not in the aggregate exceed the sum of three hundred dollars. Said Assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of their duties.

SEC. 19. It shall be the duty of the City Clerk to keep a full and true record of all the proceedings of the Board of Trustees and of the Board of Equalization. The proceedings of the Board of Trustees shall be kept in a book marked "Records of the Board of Trustees." The proceedings of the Board of Equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall keep a book which shall be marked "City Accounts," in which shall be entered, as a credit, all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys when received, and in which shall be entered, upon the debtor side, all commissions deducted and all warrants drawn on the Treasury. He shall also keep a book marked "Marshal's Account," in which he shall charge the City Marshal with all tax lists delivered to him and all licenses delivered to him. He shall credit the Marshal with the delinquent lists returned by him, and with his commission for collecting. He shall also keep a book marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city with the Treasurer. He shall also keep a book marked "City Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it

City Clerk. expires, and the amount paid. He shall also keep a book marked "City Attorney's Account," and shall therein charge said City Attorney with all delinquent tax lists delivered him, and shall credit him with money paid and delinquent taxes returned. He shall also keep a book marked "City Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of the City of Santa Rosa, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any Court or proceeding. Said records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the Board of Trustees and the Board of Equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The City Clerk shall also keep a book marked "Demands and Warrants," in which he shall copy every demand filed with him against the city. He shall state therein, under the copy of the demands, the final disposition made of the same; and if the same is allowed, and a warrant is drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city and the levying of the tax thereon, the City Clerk shall apportion the taxes upon such assessment roll, and make out and deliver to the Marshal a tax list in the usual form, taking his receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any Court or proceeding in the State, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He may have a seal, on which shall be engraved the arms of the State and the words "City Clerk of City of Santa Rosa." He shall make a quarterly statement in writing, showing the receipts and expenditures of the city for the preceding quarter and the amount remaining in the Treasury. He shall at the end of every fiscal year make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be published. He shall perform such other services as this Act and the ordinances of the Board of Trustees shall require. He shall receive for all of his services and those of his deputy such compensation as the Board of Trustees may fix from time to time.

SEC. 20. It shall be the duty of the City Attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city. He shall receive the delinquent

lists and receipt therefor. He is authorized to bring suit in the proper Court for the collection of any tax. He shall receive for all of his services such compensation as the Board of Trustees may fix from time to time. City Attorney.

SEC. 21. All ordinances shall be passed by the Board, the President having a vote but no veto power. Three members of the Board shall be a quorum for the transaction of business, but three members shall concur in every vote, except on the question of adjournment. All ordinances shall be signed, as nearly as may be, in the following form, viz: In Board of Trustees finally passed this — day —, A. D. —. Attest: A. B., City Clerk. Approved this — day of — A. D. —. C. D., President of the Board of Trustees. They shall commence as follows, viz: "The Board of Trustees of the City of Santa Rosa do hereby ordain as follows." All ordinances shall be published in some newspaper in Santa Rosa, or posted in three public places in said city, and shall be in force in ten days after such publication or posting. Quorum.
Style of ordinance.

SEC. 22. The Board of Trustees shall meet at their usual place of holding meetings, on the second Monday of August of each year, at ten o'clock in the forenoon of said day, and sit as a Board of Equalization, and shall continue in session from day to day until all of the returns of the Assessor have been rectified. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the Assessor, and may of their own motion raise any assessment upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the City Clerk, who shall act as Clerk of the Board of Equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year. Meetings of Trustees.

SEC. 23. The fiscal year of said city shall commence on the first day of April of each year and end on the last day of March of the ensuing year, which said year shall be of the same number of the year of our Lord of the first three quarters thereof. The taxes of said city shall be annually: Fiscal year

First—A general tax on all the property in the city subject to taxation, not exceeding one per cent of the assessed value thereof, for general purposes. Taxes.

Second—A street tax of two dollars on each male person over twenty-one years of age residing in said city.

Third—A tax, not to exceed five dollars, on each dog owned and kept within said city.

Each of said taxes shall be due to said city on said property, and from the owners thereof, and from said persons, whenever the same shall be levied by the Board of Trustees of said city. All taxes shall be levied during the month of August or September of each year.

SEC. 24. Whenever any tax shall be levied it shall become and be a lien upon all the real estate of the persons owing the tax situated in said city, which said lien shall take precedence of all other liens, except those held by the United States and by this State, and excepting liens in existence at the time of the passage of this Act. Whenever a tax is levied, the City Clerk Tax liens.

Delinquent
taxes.

shall immediately make out a tax list of the same, and certify to the same, and ascertain the amount of the tax, and deliver said tax list to the City Marshal and take his receipt therefor. The City Marshal shall, on the receipt of said tax list, proceed to the collection of said taxes. He shall collect no taxes on said list after the third Monday of November next following its receipt. All city taxes not paid on or before said third Monday of November shall be delinquent taxes. At the close of the day on said third Monday of November there shall become and be due to said city, on said delinquent taxes, the amount of twenty per cent of the same in addition to said tax, which said twenty per cent shall be collected in the same manner as the delinquent tax. Immediately after said third Monday of November the City Marshal shall make out a list, in the same form as the tax list, of all taxes so delinquent, and shall verify the same and deposit it with the City Clerk. The City Clerk shall immediately place said delinquent list in the hands of the City Attorney, and take his receipt therefor, and charge the same to him. The City Attorney shall, by suit, collect said delinquent taxes in the same manner as the District Attorney now collects delinquent State and county taxes, except as may be differently provided by this Act. In all cases where, by the laws now in force, the District Attorney brings suit before a Justice of the Peace, the City Attorney shall, in similar cases, bring suit before the City Recorder; and the laws now in force applicable to the District Attorney in the collection of State and county taxes shall be applicable to the City Attorney in the collection of city taxes, except as may be differently provided in this Act. Whenever said City Attorney has collected of said delinquent taxes all that he has been able to collect, he shall make a list of such taxes as he has not been able to collect, and deposit the same, with the delinquent list, with the City Clerk. The City Attorney shall, quarterly, make a statement of the taxes collected by him, and verify the same, and file it with the City Clerk, and shall quarterly pay into the City Treasury all taxes collected by him. The Board of Trustees shall examine the list of unpaid taxes returned by the City Attorney, and abate or make such disposition of the same as they may think best.

Laying
out streets.

SEC. 25. The Board of Trustees, whenever a petition signed by twenty-five citizens of said city, praying for the establishing, laying out, extending, widening, altering, opening, or vacating of any street, lane, alley, or public square in said city shall have been presented to them, shall, if the establishing, laying out, extending, widening, altering, opening, or vacating so prayed for shall be deemed by them a public necessity, cause a survey to be made of such proposed street, lane, alley, or public square; said survey shall be reported to said Board of Trustees, and shall be filed by the City Clerk. Said survey shall be accompanied with a diagram map, showing the location of such proposed street, lane, alley, or public square, and the boundaries of the lands of each owner whose lands are proposed to be taken. And for the purpose of making such survey the Surveyor shall have the right to enter upon all lands necessary to make the same.

SEC. 26. Upon filing of said survey and diagram the City Survey Clerk shall issue notice, directed generally to all persons interested, setting forth that such petition has been filed, and such survey and diagram has been made and filed; and also a statement that proceedings shall be instituted for the condemnation of such land for public purposes. Said notice shall be served on each of the owners of said land by the City Marshal by giving such owner a copy thereof, or by posting a copy thereof in a conspicuous place on the land of such owner proposed to be taken. If the owner of said land shall not donate the same to the said city for said purpose, and if said city shall not purchase the same for said purposes, the City Attorney shall file in the Clerk's office of the County Court, in the County of Sonoma, a petition in the name of said city, stating all the material facts in the case, and praying for the condemnation of said land for said purposes.

SEC. 27. The persons in the occupation of said lands, or of any part thereof, and persons having or claiming any right, title, interest, or estate in or to said lands, or in or to any part thereof, whether named in the petition or not, may appear and may be heard in the same manner as if they had been named in the petition. All persons having or claiming any interest in said lands, or in any part thereof, shall answer, stating specifically their interest therein.

SEC. 28. The provisions of the Practice Act shall be applicable to all proceedings under this charter, except as otherwise provided herein. Practice Act to apply.

SEC. 29. The question as to whether such establishing, laying out, extending, widening, altering, opening, or vacating of such street, lane, alley, or public square is or is not a public necessity, shall be determined by the Court. If said Court, upon the hearing of the allegations and proofs of the said parties, shall decide that said lands, or any part thereof, are necessary for any of the purposes specified in the petition, then such Court shall appoint three competent and disinterested persons as Commissioners, to ascertain and assess the compensation to be paid to the person or persons having any right, title, or interest in or to said lands, or in or to any part thereof, for and in consideration of the appropriation of such land to the public use. If any vacancy occur among said Commissioners by reason of any one or more of them refusing or neglecting to act, or by any other means, one or more Commissioners may be appointed by said Court, or by the Judge thereof, in vacation. Streets.

SEC. 30. The said Commissioners may issue subpoenas for witnesses, and may administer oaths. They shall proceed to view the lands described in the petition, and shall hear the allegations and proofs of said parties, and shall ascertain and determine the value of the lands of each owner so proposed to be taken, and the value of the right, title, interest, or estate of each owner therein, and also the damage that such establishing, laying out, extending, widening, altering, opening, or vacating would occasion to each owner, and also the sum which would be a just compensation for such appropriation of such lands to Commissioners, powers of.

such public use. Said Commissioners shall report their proceedings in writing to said Court.

Damages. SEC. 31. In case there are adverse or conflicting claims to the compensation or damages for any tract of land, or any right, title, or interest therein thus sought to be appropriated, the parties thus asserting such claim shall present the same by petition to said Court, after the report of said Commissioners shall have been filed, and said Court shall determine the same. Such petition shall be served upon the opposing party in the same manner that a copy of a complaint is required to be served. In such case said city, instead of paying to any of the parties so contesting, may pay the amount of such compensation to the Clerk of said Court, to abide the order of the Court in said proceedings; and the city shall not be liable for any of the costs caused by the adjudication of such conflicting claims. The said city, or any of said defendants may, within thirty days after the filing of the report of the Commissioners, and after at least five days notice to the parties interested, move said Court, or the Judge thereof, to set aside said report and to have a new trial as to any tract of land; and upon good cause shown therefor the said Court or Judge shall set aside the report as to such tract of land, and may recommit the matter to the same or to other Commissioners, who shall proceed in like manner as those first appointed.

SEC. 32. If no motion to set aside said report, or for a new trial, shall be made within said thirty days, said report shall be confirmed. Upon the confirmation of said report, and upon the payment or tender of the compensation awarded therein, and the costs, as provided herein, said real estate, or the right, title, or interest therein described in such report, shall be and become the property of the city for the use of the public, as such street, lane, alley, or public square, and shall be deemed to be appropriated to such public use. All costs shall be taxed by the Clerk at the rates prescribed in the fee bill for said county in civil actions, and shall be paid by said city, except where a defendant shall move for a new trial, and the compensation allowed by the Commissioners shall not be greater than that first allowed. In such case such defendant shall pay the costs of such new trial and the subsequent proceedings.

SEC. 33. Upon the payment or tender of such compensation, the Court, or the Judge thereof, shall make an order that any and all persons having or holding possession of any of the lands or premises described in said report yield and deliver up the same to said city; and the Clerk of said Court, on the demand of the City Attorney, shall issue a writ commanding the Sheriff to remove all persons therefrom.

Streets. SEC. 34. The Board of Trustees are hereby authorized and empowered to order, by an order entered on their minutes, the whole or any portion of the streets, lanes, alleys, places, or courts of said city to be graded or regraded to the grade established or to be hereafter established, planked or replanked, paved or repaved or macadamized, cleaned or repaired, and to order sidewalks, sewers, cesspools, manholes, culverts, curbing, and crosswalks to be constructed therein, and to be repaired and kept in repair, and to order any other work to be done which shall be

necessary to make and complete the whole or any portion of said streets, lanes, alleys, places, or courts, and they may order any of the said work to be improved or repaired.

SEC. 35. The Board of Trustees may order any work authorized by section thirty-four of this Act done, after notice of their intention to do so in the form of a resolution, describing the work and signed by the City Clerk, has been published or posted in three public places in said city for a period of ten days. At the expiration of any notice of intention, as hereinbefore provided, the Board of Trustees shall be deemed to have acquired jurisdiction to order any of the work to be done or to be afterwards improved, which is authorized by section thirty-four of this Act; and all owners of lands or lots, or portions of lots, who may feel aggrieved, or who may have objection to any of the subsequent proceedings of the said Board in relation to the work mentioned in such notice of intention, shall file with the said Clerk a petition or remonstrance, wherein they shall state in what respect they feel aggrieved or the proceedings to which they object. Said petition or remonstrance shall be passed upon by the said Board of Trustees, and their decision thereon shall be final and conclusive. Resolution of intention

SEC. 36. The Board of Trustees are authorized to contract for doing all or any part of said work. Said contracts, and the bids hereinafter provided, shall specify separately the price of the work in front of each landowner's property. Before giving out any contract by the Board of Trustees for doing any work authorized by section thirty-four of this Act, said Board shall cause notice to be published in three public places in said city for ten days, inviting sealed proposals for the work contemplated. All proposals offered shall be delivered to the City Clerk, and the Board of Trustees shall, in open session, open, examine, and publicly declare the same, and award the said work to the lowest responsible bidder; *provided*, said Board of Trustees may reject any and all bids should they deem it for the public good, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with said city. All proposals shall be accompanied with a bond in the sum of two hundred dollars, signed by the bidder and two responsible sureties, conditioned to pay to the City of Santa Rosa the full sum of two hundred dollars, as liquidated damages, if the said bidder shall fail to enter into a contract as hereinafter provided, if said work is awarded to him. It shall be the duty of the City Attorney to sue on said bonds in the name of the said city, and to pay the amount recovered to the City Treasurer. The Board of Trustees shall have power to relieve the contractor from the performance of the conditions of said bond when good cause is shown therefor. All persons who shall fail to enter into a contract as hereinafter provided are hereby prohibited from bidding a second time for the same work. Notice of such award shall be posted in three public places in said city for five days. Any owner of land liable to be assessed for, or to do, or to pay any part or the whole of said work may, within said five days after the posting of said notices of award, give notice to the said contractor that he will do and perform said work for which he is so liable in accord- Construction, repairs, and apportionment of costs of streets and sidewalks.

Same. ance with the terms of said contract. Should said owner fail to commence said work within ten days of the posting of said notice of award, and prosecute the same with due diligence to completion, the original contractor may do the same under his contract. If said bidder shall neglect for fifteen days after the posting of said notice of award to enter into the contract, the Board of Trustees shall again post notices for five days, and pursue the steps required by this section the same as in the first instance. All such contractors shall, at the time of the execution of the contract, also execute a bond to the satisfaction of the President of the Board of Trustees, with two or more sureties, payable to the City of Santa Rosa, in such sums as the said President shall deem adequate, conditioned for the faithful performance of the contract. All work shall be done under the superintendence of the Street Commissioner and to his satisfaction, and in accordance with the terms of the contract. Said contractor and sureties shall be jointly and severally liable on said bond for all damages, costs, and charges accruing by reason of any neglect of performing said contract or of any misfeasance or nonfeasance in performing the same; *provided*, that the said Board of Trustees may build or cause to be built all sewers, or may contract for building the same without the property owner having the privilege of building any part of the same; but the building of sewers shall be paid for as herein provided. The expense incurred for any work authorized by section thirty-four of this Act shall be paid by said City of Santa Rosa and by the lands fronting on any such work or cornering thereon, and by the owners of such land, as follows:

First—The said City of Santa Rosa shall pay for the grading, paving, planking, macadamizing, improving, cleaning, and repairing the central third of said street, between the sidewalks, and shall also pay for one third of the sewerage in the streets.

Second—The expense incurred for grading, paving, planking, macadamizing, improving, cleaning, and repairing lanes and alleys, and making and repairing and keeping in repair sewers therein, shall be borne and paid by the owners of the land fronting on such lanes and alleys; each to bear one half of the expense in front of his land, and said expense shall be assessed on said lands, each lot or portion of a lot being separately assessed.

Third—The expense incurred for grading, paving, planking, macadamizing, improving, cleaning, and repairing and keeping in repairs of the one third of the street between the sidewalks lying and being between the central third thereof, and any lands, shall be borne and paid by the owner of said lands, and shall be assessed on said lands—each lot or part of a lot to be separately assessed. The expense incurred in making or repairing sewers in any street shall be paid one third by said city and one third by the owners of the lands on one side of said street and one third by the owners of the land on the other side of said street. Said expense shall be so paid by the owners of said lands, and shall be assessed upon said lands, each lot or portion of a lot being separately assessed in proportion to its frontage, at a rate per foot sufficient to cover the total expense of the sewer in such street.

Fourth—The expense incurred in making and repairing side-walks shall be paid by the owners of the lands in front of which and upon the same side of the street on which said sidewalks are ordered to be made or are to be repaired, and shall be assessed on said lands. The expense of building and repairing such sidewalks in front of any lot or part of a lot shall be borne and paid by the owner of such lot or part of a lot, and shall be assessed thereon. Such owner may, in accordance with the order of the Board of Trustees, and within a time to be specified in said order, build or repair said sidewalk in front of his said land, but if he shall not do so in said time, said city may do said work, and the expense of the same shall be a lien upon said land.

Fifth—The expense incurred in making and repairing street crossings shall be paid by the owners of the lots between which said crossing shall be made, and shall be assessed on said lots, one half upon each.

Sixth—The expense incurred for work done at the crossings of streets on the square portion of such streets bounded by the side lines of said streets produced, and by the central third of said streets, shall be paid by the owner of the lot cornering on such square portion of such street, and the sidewalks thereon shall be built and the expense incurred in building thereof shall be paid by said owner. Such expense shall be assessed on said lot.

SEC. 37. Whenever any expenses for work done by said city or by any contractor shall be assessed on any lands, or whenever the owners of any lands shall become liable to pay the same, the amount of said expenses shall be a lien upon said lands, which shall take precedence of all other liens, and which shall be foreclosed in accordance with the provisions of the Practice Act, except as herein otherwise provided. Suit to foreclose such lien shall be in the name of the City of Santa Rosa, and said land shall be sold under decree of the Court, in accordance with the provisions of said Practice Act and in accordance with law. Assessment
liens.

SEC. 38. The Board of Trustees shall have power to fix the compensation of all city officers and employes not specifically provided for in this Act.

SEC. 39. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed; *provided*, that such repeal shall not affect the validity of any debt due, contract entered into, or thing done under any former Act.

SEC. 40. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXXXIII.

An Act to repeal, in part, an Act entitled "An Act to make, open, and establish a public street in the City and County of San Francisco, to be called Montgomery Street South, and to take private lands therefor," approved March seventeenth, eighteen hundred and seventy, and to provide for the payment of the expenses incurred under said Act.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repealed. SECTION 1. The Act entitled "An Act to make, open, and establish a public street in the City and County of San Francisco, to be called Montgomery Street South, and to take private lands therefor," which became a law on the first day of April, eighteen hundred and seventy, is hereby repealed so far as said Act relates to the portion of said Montgomery Street South from Howard street to Townsend street, and the City and County Attorney of said City and County of San Francisco is hereby directed, within ten days after the passage of this Act, to file in the County Court of the City and County of San Francisco his petition reciting the passage hereof, and praying said Court to order the proceedings now pending in said Court for a confirmation of the report made by the Commissioners in pursuance of the provisions of the Act hereby repealed, to be dismissed, and the said order shall be made by said Court upon satisfactory proof of the enactment hereof.

Commissioners to prepare schedule. SEC. 2. The now acting Commissioners under the Acts and ordinances hereinbefore mentioned shall, within ten days after the passage of this Act, prepare a schedule, which shall contain a correct list of all warrants or certificates issued by said Commissioners for rents, labor, services of reporters, clerks, witnesses, draughtsmen, experts, surveys, maps, printing, stationery, furniture, counsel or attorney fees, and all other incidental expenses which shall have been rendered or incurred under or by said Commissioners under said Act or ordinances. Said schedule shall state the name of the person or persons to whom such warrants and certificates shall have been issued, and the nature of the service, claim, or demand, and the amount for which the same was issued, and shall be signed and verified by the oath of the Commissioners to the effect that they believe the same to be a just and correct statement, that the several amounts therein set forth are justly due to each of the persons or firms named in such schedule. Said schedule and oath shall be presented to the County Court of said city and county, and filed in the office of the Clerk of said Court. Immediately on filing the same the Clerk of said Court shall give notice of said filing to the City Attorney of said city and county, and the County Court shall fix a day and hour at the Court room thereof, which shall not be more than ten days after such filing, to hear objections to the allowance of the items and amounts contained

County Court.

in such schedule. So many or such portions of said items and amounts as shall be proven to the satisfaction of the County Judge of said city and county to be correct, and to have been lawfully incurred, and to have been authorized by said Act and ordinances named in section one of this Act, shall be allowed by said County Court. The City Attorney, or any person or persons interested, may offer proof before said County Judge, and the County Judge himself may also summon any person or persons to appear before him to testify in relation to the items and amounts contained in such schedule. The claimants and persons named in such schedule may introduce counter proof or evidence, and after hearing said proof or evidence the County Judge of said city and county shall reject, allow, change, or modify the amounts enumerated in said schedule. Said County Court may adjourn the hearing from day to day not exceeding thirty days. Said Court shall, as early as practicable after the evidence shall be closed, make its determination in writing, specifying the sums by it allowed to the persons, and for the items in said schedule, and shall cause a certified copy thereof to be delivered to the Auditor and Treasurer of said city and county; and the Treasurer, without further auditing thereof and upon the surrender to him of the warrants and certificates issued by the Commissioners, shall thereupon, as soon as there shall be sufficient money in the General Fund in the City and County Treasury, pay to the persons or to the assigns of the persons named in such determination, the respective amounts in gold coin as aforesaid allowed to each by such determination. Any person in whose favor an allowance shall be made by said County Court, or the assignee of such person, shall file with the said Treasurer the warrant which was issued to him by said Commissioners. If there is any assignment or transfer on said warrant, the assignee thereof may file the same with said Treasurer, and be entitled to receive from the said Treasurer the sum allowed said assignor and evidenced by said warrant. The schedule mentioned in this section, to be filed by the Commissioners, shall exhibit separately the expenses incurred by said Commissioners on that portion of said Montgomery street South from Howard street to Townsend street, and the expenses incurred by said Commissioners on that portion of said Montgomery street South, from Market street to Howard street, and the amount of said expenses incurred on that portion of said street from Howard to Townsend streets, as the same shall be allowed and finally confirmed by the County Court, shall be paid as provided in sections four and five of this Act; and the amount of expenses incurred by said Commissioners on said street from Market street to Howard street, as the same shall be allowed and finally confirmed by said County Court, shall be assessed upon the land mentioned in section twenty-one of the Act recited in the first section of this Act.

Allowance
of claims.

Testimony.

Finding of
the Court.Payment
of claims.

SEC. 3. No allowance or compensation shall be made or paid to any person for rents, labor, services, reporting, clerk hire, witnesses, draughtsmen, experts, surveys, maps, printing, stationery, counsel fees, attorney's fees, or other incidental expenses under this Act, or under said Act entitled as aforesaid, or under

When
valid
claims
accrued.

said ordinances of the Supervisors of said city and county, unless the same were rendered prior to the passage of this Act.

Levy and
collection
of a special
tax.

SEC. 4. The Board of Supervisors and other municipal officers of the said City and County of San Francisco shall, immediately after the County Court shall have made its determination in writing, specifying the amounts allowed by it to the persons and for the items mentioned in the Commissioners' schedule, as provided in section two of this Act, proceed to levy and collect in gold coin, in the same manner as other State and municipal taxes are levied and collected, a tax sufficient to pay the warrants hereinafter mentioned, and interest thereon, and all other sums of money allowed by said County Court, together with interest thereon at the rate prescribed by existing laws or the ordinances of the City and County of San Francisco. Said tax shall be levied and collected at the same time the State and municipal taxes of the years eighteen hundred and seventy-two and eighteen hundred and seventy-three are levied and collected, and the moneys derived therefrom shall be paid into the General Fund of the City and County of San Francisco.

Payments.

SEC. 5. All warrants which have been or shall be drawn by the Commissioners who have acted under the Act and ordinances in this Act before mentioned for the compensation of said Commissioners, which have been or shall be approved and certified by the County Judge of the City and County of San Francisco, shall be paid in United States gold coin, according to the tenor thereof, without further auditing, out of the General Fund of the Treasury of the City and County of San Francisco, as soon as there shall be sufficient money in said Fund to pay the same derived from the tax levied and collected as aforesaid.

Records
and papers.

SEC. 6. All books, estimates, maps, plans, surveys, and all papers accumulated by and in the possession of said Commissioners shall, after the passage of this Act, be deposited with the County Recorder of said city and county, and be by him safely kept until otherwise directed by the Board of Supervisors of said city and county. All other personal property in the

Personal
property.

possession of said Commissioners pertaining to the duties of their office and not specified herein, shall be sold upon the order or resolution of the Board of Supervisors of said city and county, and the proceeds thereof deposited with the Treasurer of said city and county, and by him be placed to the credit of the General Fund.

SEC. 7. Nothing in this Act shall be construed to legalize any Act of said Commission not otherwise lawful.

SEC. 8. This Act shall take effect from and after its passage.

CHAPTER CCCCXXXIV.

An Act to extend the time in which Swamp Land Districts Numbers Sixty-eight, Sixty-nine, and Seventy shall complete their work of reclamation.

[Approved March 28, 1872.]

WHEREAS, the present reclamation laws of the State require Preamble.
that all districts organized under its provisions shall complete their works of reclamation within four years from the formation of their respective districts; and whereas, if districts fail to complete their works of reclamation within the time required by law, they are compelled to pay interest from the time of their organization; and whereas, Swamp Land District Number Seventy has expended three dollars and fifty cents per acre for all lands in their district upon bona fide works of reclamation; and whereas, the present Winter has been one of extraordinary floods, and has destroyed a portion of their works of reclamation; and whereas, the time in which said Swamp Land District Number Seventy (to wit: four years) has about expired, therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time in which Swamp Land District Number Seventy, Sutter County, is required to complete its works of reclamation, in accordance with an Act entitled "An Act to provide for the management and sale of the lands belonging to the State," approved March twenty-eighth, eighteen hundred and sixty-eight, is hereby extended for a period of two years from the date of the passage of this Act. Time extended.

SEC. 2. The Register of the State Land Office is hereby required to continue a suspension of the interest due the State on all lands in said Districts Numbers Sixty-eight, Sixty-nine, and Seventy for a period of two years after the date of the passage of this Act. Suspension of interest.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER CCCCXXXV.

An Act to establish pilots and pilot regulations for the Port of San Diego.

[Approved March 26, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Pilot
Commissioners.

SECTION 1. It shall be the duty of the Governor to appoint one citizen, resident of San Diego, as Pilot Commissioner. The President of the Board of Trustees and the President of the Chamber of Commerce of said city shall be ex officio Pilot Commissioners. The three persons named shall constitute a Board of Pilot Commissioners, with the powers and duties as hereinafter provided.

Oath of
office.

SEC. 2. Each Commissioner shall, before entering upon his official duties, take the following oath or affirmation, which shall be indorsed on his commission, and shall be signed by him and certified by the County Judge of the County of San Diego: "I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Pilot Commissioner, without fear, favor, or affection, according to the best of my ability."

Term of
office.

SEC. 3. The Board of Pilot Commissioners shall hold their offices during the pleasure of the power appointing them, not exceeding four years.

Monthly
meetings.

SEC. 4. The Board of Pilot Commissioners shall meet at least once in each month. They shall elect one of their number President, who shall be authorized to administer oaths, and under his hand and private seal to issue subpoenas for the attendance of witnesses in all cases arising before the Board under this Act. A witness disobeying such subpoena shall forfeit and pay a sum not exceeding one hundred dollars, which may be sued for and recovered in a civil action, in the name of the President of the Board. It shall make by-laws and rules for its own government of the pilots, not inconsistent with the laws of this State or of the United States. A majority of such Board shall constitute a quorum for the transaction of business, and may meet and adjourn from time to time, according to adjournment or appointment.

Examina-
tions and
licenses.

SEC. 5. The Commissioners may organize as a Board at any time after their appointment and qualification. After their organization they shall proceed to examine and license, in the manner prescribed herein, not more than four pilots, for the Port of San Diego; *provided*, that nothing in this section shall be so construed as to remove any pilot until his commission shall expire.

Qualifica-
tions.

SEC. 6. No person shall be appointed a pilot unless he is an American citizen, over the age of twenty-one years, with a practical knowledge of the management of sailing vessels and steamboats, and of the tides, soundings, bearings, and distances

of the several shoals, bars, rocks, points of land, lighthouse, and fog signals of the Port and Harbor of San Diego.

SEC. 7. Every pilot receiving a license shall, before entering on the discharge of his duties, take the oath prescribed by the Constitution of this State, which shall be indorsed upon his license, signed by him, and certified by the President of the Board; and shall give a bond in the sum of twenty-five hundred dollars, with two sureties, to be approved by the Board and recorded in the County Recorder's office of San Diego County, made payable to the State of California, and conditioned that he will faithfully perform all the duties required of him as a pilot under this Act, and will observe the rules and regulations and decisions of the Board. The pilots shall renew their bonds whenever the Board may deem it necessary and shall so order. In all cases where a pilot shall have been deprived of his license before the expiration thereof for any of the causes hereinafter specified, it shall be the duty of the President of the Board, provided a majority of the Board shall instruct, to place the bond of such pilot in the hands of the Attorney General of the State of California for collection. If any amount be collected thereon in such suit, it shall be paid to the Board and shall constitute a Fund out of which it shall be the duty of the Board to provide rewards to encourage the relief of vessels and passengers in distress, and generally to encourage the pilots in the energetic performance of their duties. Duties of pilots.

SEC. 8. It shall be the duty of every pilot in charge of a vessel arriving in the Harbor of San Diego to have the vessel safely moored in such a position as the master may direct.

SEC. 9. Every pilot carried to sea against his will, when a pilot boat is in attendance to receive him, shall be entitled to receive the sum of eight dollars per day while absent, which sum may be recovered from the master or owner of the vessel so taking him away; *provided*, the amount herein allowed to be recovered shall in no case exceed one thousand dollars. Indemnity

SEC. 10. Any pilot may be deprived of his license before the expiration thereof for the following causes: Causes for forfeiture.

First—For refusing to exhibit his license when requested to do so by the master of any vessel he may have boarded.

Second—For habitual or occasional intoxication, whether the same shall occur while in charge of a pilot boat or at any other time.

Third—For negligently, ignorantly, or willfully running any vessel on shore or otherwise rendering her liable to injury; *provided*, that any pilot deprived of his license under this subdivision shall thereafter be ineligible to a license as pilot under this Act.

SEC. 11. Any person not being the master or owner, not holding a license as pilot, who shall pilot any vessel into or out of the Harbor of San Diego shall be deemed guilty of a misdemeanor, and on conviction in any Court of competent jurisdiction shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding ninety days. Prohibition

SEC. 12. All vessels, their tackle, apparel, and furniture, the master and owners thereof, shall be jointly and severally Liability.

liable for pilotage fees, to be recovered in any Court of competent jurisdiction.

Preference SEC. 13. When two or more pilots shall offer their services to a vessel outside of a line from Punta Lomas and the south-east end of Zuinga Shoal, the pilot first offering his services shall have the preference; and if the master of any vessel shall refuse to observe such rule of preference, and to take the pilot entitled to be preferred on board, the vessel, her appurtenances, the master and owner thereof, shall be jointly and severally liable to the pilot entitled to such preference for one half of the amount of pilotage he would have been entitled to claim had his services been accepted.

Rates of pilotage. SEC. 14. The following shall be the rates of pilotage into or out of the Harbor of San Diego: All vessels under five hundred tons, five dollars per foot draught; all vessels over five hundred tons, five dollars per foot draught and four cents per ton for each and every ton of registered measurement; all vessels engaged in the whaling or fishing trades, one dollar per foot draught. When a vessel is spoken and the services of a pilot are declined, one half of the rates shall be paid. All vessels coasting between San Diego and any port in Oregon, or in Washington and Alaska Territories, and all vessels coasting between ports of this State, and all steamers from Panama connecting with the Panama Railroad, touching at said port of San Diego, bound to other coast ports, shall be exempt from all charges for pilotage unless a pilot be actually employed.

Neglect. SEC. 15. All pilots absenting themselves from San Diego for more than thirty days shall forfeit his commission, except in case of sickness.

SEC. 16. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXXXVI.

An Act concerning streams in the County of Santa Clara.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority given.

SECTION 1. The Board of Supervisors of the County of Santa Clara is hereby authorized and empowered, whenever it shall be deemed by it necessary or expedient for the protection of the property within said county, to change, alter, straighten, levee, or repair the channel of any unnavigable stream, river, creek, or inlet, within the limits of said county, and to divert the waters of any such streams, creeks, or inlets into new channels, and for that purpose to make channels or new channels, take, condemn, occupy, enter upon, and possess itself of private lands and property.

SEC. 2. The rights and powers granted to said Board of Supervisors by the first section of this Act shall be exercised, carried out, and enforced by said Board by the means, in the manner, and by the actions and proceedings prescribed by sections from one thousand two hundred and thirty-seven to section one thousand two hundred and fifty-eight, both inclusive, of the Act of the Legislature of the State of California known as the Code of Civil Procedure of California, approved March eleventh, eighteen hundred and seventy-two; and said sections of said Code of Civil Procedure, for the purposes of enforcing and exercising the powers and authority of this Act granted to said Board of Supervisors, shall be in force and become effective on and from the day of the approval of this Act. The Code of Civil Procedure.

SEC. 3. The actions and proceedings prescribed by said sections of said Code of Civil Procedure may be commenced and prosecuted by said Board of Supervisors in the name of the County of Santa Clara. Actions.

SEC. 4. The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered to use and appropriate any Fund in the County Treasury of said county in payment of damages or compensation allowed or awarded under the provisions of this Act. Damages.

SEC. 5. This Act shall take effect on the day of its approval.

CHAPTER CCCCXXXVII.

An Act in relation to the Political Code.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-three hundred and thirty of the Political Code of the State of California is amended to read as follows:

Section 4330. The annual salaries of District Attorneys are as follows: Salaries of District Attorneys.

First—Of San Francisco, five thousand dollars.

Second—Of Sacramento, thirty-six hundred dollars.

Third—Of Los Angeles, three thousand dollars.

Fourth—Of San Joaquin, Santa Clara, and Alameda, twenty-five hundred dollars.

Fifth—Of Butte, seventeen hundred dollars.

Sixth—Of Nevada, two thousand dollars; and of Colusa, eighteen hundred dollars.

Seventh—Of Sonoma, eighteen hundred dollars.

Eighth—Of El Dorado, Placer, Amador, Marin, Contra Costa, Tuolumne, Napa, Yolo, Yuba, and Santa Cruz, fifteen hundred dollars.

Salaries of
District
Attorneys.

Ninth—Of Mariposa, Merced, San Mateo, Shasta, Siskiyou, Stanislaus, Tehama, Fresno, Kern, Mendocino, San Luis Obispo, Santa Barbara, Tulare, San Diego, and Plumas, twelve hundred dollars.

Tenth—Of Monterey, Sutter, Trinity, Sierra, and Calaveras, one thousand dollars.

Eleventh—Of Inyo and Lassen, eight hundred dollars.

Twelfth—Of Del Norte, Humboldt, Klamath, Lake, and San Bernardino, seven hundred dollars.

Thirteenth—Of Alpine, six hundred dollars.

Fourteenth—Of Mono, five hundred dollars.

Rule of
construction.

SEC. 2. With relation to the Acts passed at the present session of the Legislature, section forty-three hundred and thirty of the Political Code must be construed as though it had been passed on the last day of the present session.

SEC. 3. This Act and section forty-three hundred and thirty of the Political Code as herein amended, shall be in force and effect from and after the passage of this Act.

CHAPTER CCCCXXXVIII.

An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River, and roads connecting the same with the highlands, approved March the tenth, eighteen hundred and sixty-eight.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Site of
bridge.

Section 2. On or before the fifteenth day of May, A. D. one thousand eight hundred and seventy-three, the Board of Supervisors of said county shall determine and locate a site for said bridge; and immediately after the selection of the site the said Board of Supervisors shall advertise in one or more daily newspapers published in the City of Marysville, for twenty days, for plans and specifications for the construction of said bridge and roads; and they shall immediately after the adoption of said plan and specifications advertise for thirty days, in one or more daily newspapers published in the City of Marysville, that they will receive proposals for the construction of said bridge and roads, in accordance with the plans and specifications, and that they will award the contract to the lowest bidder who will give good and sufficient security for the completion of any contract he may make respecting the same.

Contract.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCXXXIX.

An Act appropriating fifty-six thousand dollars in United States legal tender notes for the payment of the necessary incidental expenses of the State Capitol and Governor's Mansion.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifty-six thousand dollars in United States legal tender notes is hereby appropriated out of the General Fund of the State Treasury, to be expended under the direction and control of the Board of State Capitol Commissioners, for the purpose of paying the monthly wages and salaries of such employes as may be necessary to be retained for the proper care and safety of the State Capitol and Governor's Mansion, and for material furnished under direction of the said Commissioners. Appropriation.

SEC. 2. The Board of State Capitol Commissioners shall draw orders on the Controller of State, who shall draw his warrant on the State Treasurer, payable in United States legal tender notes, as provided in section one of this Act. Payments.

SEC. 3. Liabilities which have accrued since the twenty-sixth day of December, A. D. one thousand eight hundred and seventy-one, and under direction of the present Board of State Capitol Commissioners, are payable out of the said appropriation, and such liabilities only are so payable. Conditions

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCCL.

An Act to amend an Act entitled "An Act to create and organize the University of California," approved March the twenty-third, eighteen hundred and sixty-eight.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-five of said Act is hereby amended so as to read as follows:

Section 25. The Regents shall devise, and with the funds appropriated for that purpose cause to be constructed, such buildings as shall be needed for the immediate use of the University. Such a plan shall be adopted that separate buildings may be constructed and set aside for separate uses, yet such buildings shall be grouped upon a general plan so that a larger and cen-

Construction of
buildings
for immediate use.

tral building thereafter erected may harmonize therewith and each building be a part of one design. The construction and equipment of the buildings shall in every instance be let out upon specifications and advertisement of not less than ten days in at least two daily newspapers of the City and County of San Francisco to the lowest responsible bidder upon sealed proposals. The Regents may require adequate security from all bidders, and shall have power to reject any and all bids and advertise anew. They shall also take measures for the immediate and permanent improvement of the grounds of the University, and may make such contracts therefor or any part thereof as they may deem advisable. The provisions of Chapter DXIX of the laws of eighteen hundred and sixty-nine-seventy shall not apply to buildings erected for the University.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCXLI.

An Act concerning the District Tax Collectors of Placer County.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Personal
property
and poll
tax.

SECTION 1. The present District Tax Collectors of Placer County are hereby authorized and empowered to collect, during the term for which they were elected, the tax on personal property and poll taxes in their respective district in conformity with the provisions of law in force at the time of their election; *provided*, that nothing in this Act contained shall be deemed to apply to any other than the District Tax Collectors now holding office in said county.

SEC. 2. All Acts and parts of Acts, in so far as they conflict with this Act, are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCXLII.

An Act concerning public wharves.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The owners or occupants of any uplands bordering on the San Joaquin River, between the eastern boundary line of Contra Costa County and the junction of said river with the Sacramento River, may erect and maintain from such upland to ships' channel a wharf not exceeding fifty feet wide, with a T at the outer end thereof not exceeding one hundred feet in length. Wharves on San Joaquin River.

SEC. 2. The right of way and the right to construct such wharf over any lands belonging to the State of California covered or partly covered with water between ships' channel and the upland is hereby granted to the owner or occupant of such upland. Right of way.

SEC. 3. The person or persons erecting and maintaining such wharf or wharves shall not use the same for any purposes except for the convenience of himself and tenants, and the successors in interest of the lands owned by him at the time of the first erection of such wharf, and shall not, under any pretext, charge, receive, or collect any tolls, wharfage, or dockage for the use thereof. Wharves to be free.

SEC. 4. In case the lands covered with water situate between ships' channel and extreme high tide over which and upon which the owner of the adjoining upland is desirous of erecting and maintaining a wharf shall have become vested in any third person, it shall be lawful for the owner of such upland to acquire the right to erect and maintain a wharf over the same, not exceeding the dimensions in section one of this Act mentioned, by instituting and conducting to a final determination such proceedings for the acquisition and condemnation of lands as are authorized by the provisions of an Act entitled "An Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto," approved May twentieth, eighteen hundred and sixty-one, and the several Acts supplemental thereto and amendatory thereof; and jurisdiction is hereby conferred upon the same Courts and Judges as is conferred by said Act, to entertain and determine the proceedings instituted hereunder. Condemnation of lands for right of way.

SEC. 5. Upon payment of the sum awarded by the final report of the Appraisers to ascertain and determine the sum to be paid for the taking of land for the use aforesaid, such riparian owner shall have the exclusive right to the use of the land described in such report, for the uses and purposes mentioned in section one of this Act; *provided*, such payment be made within twenty days after the final confirmation of such report. Exclusive right.

SEC. 6. No right or privilege hereby granted shall continue beyond fifty years from the passage of this Act.

SEC. 7. This Act shall apply to all wharves already constructed between the points aforesaid.

SEC. 8. This Act shall take effect immediately.

CHAPTER CCCCXLIII.

An Act to extend an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six, to the Nineteenth Judicial District of the State of California.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Official
Reporter.

SECTION 1. The provisions of an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six, are hereby extended and made applicable to the Nineteenth Judicial District of this State. In making an appointment of Official Reporter, character and competency only shall be considered; *provided*, that the appointee must be a resident of the Judicial District; and *provided* further, that no appointment shall be made for the Nineteenth Judicial District of any Reporter holding, either directly or by partnership, the position of Official Reporter of any other Judicial District, embracing in whole or in part the City and County of San Francisco; nor shall any person directly or indirectly hold the position of Official Reporter of more than one Judicial District, embracing in whole or in part said city and county.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCXLIV.

An Act to authorize and empower the Board of Trustees of the Town of Suisun City to grade and improve the streets and alleys of said town.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public
streets.

SECTION 1. All the streets and alleys of the said town, as laid down in the official map of said town, filed in the office of the Recorder of Solano County, and all other streets and alleys

that may hereafter be lawfully opened or donated to public uses, are hereby declared to be open public streets and alleys for the purposes of this law.

SEC. 2. Whenever a majority of the owners of real estate, whose property front, adjoin, or is bounded by any street, alley, or portion of a street or alley proposed to be raised, drained, graded, or improved, shall petition the Board of Trustees of the said town to raise, grade, construct sewers, or in any extraordinary manner improve said street, alley, or portion of said street or alley, it shall be lawful for said Board to cause to be done such raising, grading, sewerage, or improvement, and assess the cost of such work and the expenses of collecting such cost, on the real estate fronting, adjoining, or bounding on the portion of such street or alley so raised, graded, sewered, or improved, which work shall be done and assessment levied and collected as hereinafter provided.

SEC. 3. Upon the filing of a petition, as set forth in section two of this Act, signed by a majority of the real estate owners whose property front, adjoin, or is bounded on or by the portion of the street or alley proposed to be improved as aforesaid, which petition shall designate the lot or lots or parts of lots, owned by each of the signers thereof, the Board of Trustees shall, at their next regular meeting, consider said petition, and may adjourn the consideration thereof to a time certain, and from time to time till the same is acted on, and shall hear any counter petition or argument that may be filed or made; and if in the judgment of the said Board it be for the best interest of the said town that the prayer of the petition in this section first above mentioned should be granted, the Board shall cause an order granting the prayer of said petition to be entered in their minutes, and shall, within ten days thereafter, cause to be posted in three public places in said town, notices that bids for doing said proposed work will be received under seal, at such time as may be designated in said notices, and the said bids shall be opened by the presiding officer of the said Board at a regular meeting, and the contract for doing such work awarded to the lowest responsible bidder; *provided*, however, the Board may reject any and all bids should they deem it for the public good, or should the lowest bid be, in the judgment of the Board, a greater sum than should be assessed on the property affected by the proposed improvement; and *provided*, also, that the person or persons whose bid may be accepted shall, within five days, make, execute, and file with the Clerk of the said Board a bond with sureties approved by said Board in the penal sum of double said bid, conditioned that he or they will faithfully perform such work within such time as may have been fixed by the Board; and *provided* further, that no member of the said Board of Trustees shall be interested in any contract made or let by the authority of this Act.

Consideration and decision.

Bids.

SEC. 4. As soon as may be practicable after any work done by authority of this Act shall be completed and accepted by the said Board, they shall appoint three real estate owners of the said town, none of whose real estate lies in the portion of the street or alley improved as aforesaid, to act as Commissioners, to assess the amount of expense to be borne by each of the lots

Commissioners to view and assess property.

and real estate owners affected by said improvement, whose lots lie on the portion of the street or streets, alley or alleys so improved, and the whole expense of such improvement shall be divided among and assessed upon the said lots and real estate owners, as hereinafter provided. The Clerk of the said Board shall make out a certified copy of the order appointing such Commissioners, which shall be their warrant of authority. Said Commissioners shall, before proceeding to act, be severally sworn by some person authorized to administer an oath, to make the estimate of benefits occasioned by the grading, raising, sewerage, or improvement aforementioned, and the assessments in accordance therewith, to the best of their judgment and ability, without fear or favor, and that they have no interest whatever in the said estimates and assessments, nor in any of the premises or lands lying on the portion of the streets or alleys affected by said work and improvements, which oath shall be indorsed on or attached to the said certificate of appointment, and subscribed by the said Commissioners.

Assessment

SEC. 5. Said Commissioners shall then proceed to view the land affected and to estimate the benefit done to each lot or parcel of real estate lying and being on the portion of the street or alley so raised, graded, improved, or sewered, and shall assess the amount to be paid by the owner, whether known or unknown, of each lot or parcel of real estate, so as to divide among the said owners the whole expense of said improvements in proportion to the benefit done to his, her, or their real estate by such improvements; and in making such assessments the benefit done the improvements on real estate shall not be considered by the Commissioners; and the said Commissioners are authorized to hear any of the parties, or such witnesses as may be produced, and to administer oaths, for the purpose of making a full and fair investigation of the matters committed to them.

Reports in writing.

SEC. 6. The said Commissioners, having determined by their award the amount of benefit to each of the lots or parcels of real estate affected, and the amount to be assessed to each of the owners, and on each of such lots or parcels of real estate, shall make a return in writing, which return shall designate the lots or parcels of land affected, and the owners, if known, and which of said lots or parcels of land belong to unknown owners, and also the benefit done or occasioned to and the amount of expense assessed upon each of said lots or parcels of land and to each of said owners, which assessment shall be a lien upon the said land having relation back to the time of filing of the petition mentioned in section two of this Act. The certificate of appointment of said Commissioners, together with the oath aforesaid indorsed thereon, shall be attached to the said return, which return shall be signed by a majority of said Commissioners, who are authorized to make said assessment, and shall, as soon as practicable after the same is made, be filed with the Treasurer of the said town, who shall give notice by advertisement, posted in three public places in said town, that the said return has been made and filed, and that the assessments therein enumerated are due and payable to him after the expiration of thirty and before the end of forty days. After said return has been filed with the Treasurer it shall be his

duty, having first noted on said return the assessments that have been paid, to file the same, together with his affidavit, showing that the notices last above mentioned have been posted, and stating the assessments that have not been paid in the office of the Clerk of the District Court in and for the County of Solano; and any person or persons affected by the said return may, before judgment is entered or the filing of objections by him, her, or them, pay his, her, or their assessments to the Town Attorney, together with costs and fifteen per cent additional for counsel fee; and the Clerk of said Court shall cause a notice to be published in a newspaper published in the said town, and in case no newspaper is published in the said town, then in a newspaper published in the said county, once a week for three weeks, which notice shall state that the said return has been filed, the names of the owners of the property affected by the said return upon which the assessments have not been paid, if known, the lots or parcels of real estate assessed upon which the assessments have not been paid, and the amount of such delinquent assessment upon each lot or parcel of real estate; and after the expiration of three weeks, from the date of the first publication of the said notice the said Court shall be deemed to have acquired jurisdiction of all persons interested in said return, and of all real estate affected thereby; and any person or persons interested shall, if he, she, or they desire to contest said return, file, within ten days after the date of the last publication of the said notice above provided for, written objections, under oath, and serve a copy thereof on the Town Attorney, and no defense shall be interposed except, first, want of jurisdiction to order work; second, that the assessment has been paid; third, fraud in the assessment, or in any of the acts or proceedings prior thereto, setting out the facts showing such fraud; and after the filing of defense, or in case no objections are filed within the time above specified, the said return shall be placed on the calendar of the next term of the District Court in and for the said county, and shall be heard at that or subsequent term of the said Court; and the said Court shall, after hearing the said objections, should any be filed, confirm the said return or set the same aside, in whole or in part, as may be in accordance with law and justice; and the contesting of said return by some of the parties interested shall not prevent its confirmation as to the others. Should the said return be confirmed in whole or in part, judgment shall be entered in favor of the inhabitants of the Town of Suisun City and against the real estate as to which the said return is confirmed and the owners thereof, whether known or unknown, for the amounts of such assessments, together with costs and twenty per cent for counsel fees, which judgment may be enforced by order of the said Court, commanding the Sheriff to sell, as in other judicial sales, the real estate assessed, to satisfy the said judgment; but no execution shall be had against any other property of the said owner or owners to satisfy said judgment.

SEC. 7. This Act shall not be construed as to curtail the powers now possessed by the Board of Trustees of said town.

CHAPTER CCCCXLV.

An Act authorizing the Board of Supervisors of the County of Santa Clara to pay to the Sheriff of said county certain moneys therein mentioned.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary. SECTION 1. The Board of Supervisors of the County of Santa Clara are hereby authorized and directed to allow and order paid to the Sheriff of said county the sum of two hundred and seventy-five dollars per month.

**Applica-
tion.** SEC. 2. Said Sheriff shall apply the said monthly payment so made to him toward the payment of the salary of the Under Sheriff and one Deputy Sheriff of said county.

**Continu-
ance.** SEC. 3. The proper officers of said county are hereby directed to audit, allow, and pay said sum of two hundred and seventy-five dollars monthly to said Sheriff, as hereinbefore provided; and said payment shall continue to the office of the Sheriff of Santa Clara County.

Repealed. SEC. 4. An Act entitled an Act authorizing the Board of Supervisors of the County of Santa Clara to pay the Sheriff of said county certain moneys therein mentioned, approved March twenty-fourth, A. D. eighteen hundred and seventy, is hereby repealed.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCCCXLVI.

An Act to authorize the County of Yuba to issue sixty thousand dollars of bonds for the purpose of constructing, repairing, and improving wagon roads and bridges in said County of Yuba.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bonds. SECTION 1. The Board of Supervisors of the County of Yuba, in the name of said county, are hereby authorized, empowered, and directed to make, execute, and issue from time to time, as it shall become necessary, not to exceed sixty thousand dollars of bonds of said county.

SEC. 2. Such bonds shall be issued in denomination of one thousand dollars each, and be payable in twenty years from the first day of January, eighteen hundred and seventy-three, and shall bear interest at the rate of eight per cent per annum, payable semi-annually on the first day of July and January of

each year. Said bonds and interest shall be payable at the office of the Treasurer of said county, in United States gold coin. Such bonds shall be signed by the Chairman of the Board of Supervisors, countersigned by the County Auditor, and indorsed by the Treasurer of said county. Forty coupons shall be attached to each bond and numbered consecutively, and shall express the amount of interest due at such payment, and shall be signed in the same manner as the bonds are required to be signed. It shall be the duty of the Chairman of the Board of Supervisors, the County Auditor, and County Treasurer of said county, as such bonds shall be prepared and executed, to advertise for a period not less than thirty days, in a newspaper published in each of the Cities of Marysville and San Francisco, that such bonds will be put in the market to be sold for the highest price or sum that can be obtained therefor, specifying the amount to be sold. The said Chairman of said Board of Supervisors, County Auditor, and Treasurer shall proceed to dispose of said bonds for the best sum or price, in gold coin of the United States, they can procure; *provided*, that they shall not sell or negotiate the said bonds at less than eighty cents, gold coin, on the dollar.

Description
of, and
manner
of sale.

SEC. 3. Said coupons shall be so attached to said bonds that the coupons may be detached without mutilating the bonds. When any interest shall be paid upon a bond under the provisions of this Act the County Treasurer shall receive the detached coupon for the interest then due and paid, and shall cancel and file the same in his office, and report the same to the Board of Supervisors of said county semi-annually.

Coupons.

SEC. 4. The said Board of Supervisors shall each year, previous to the making out the duplicate or general assessment list for said county in each year, levy a tax, to be styled the Yuba County Wagon Road and Bridge Interest and Sinking Fund Tax, and sufficient to raise the amount of interest required to be paid; and in ten years after the issuing of said bonds shall levy a tax for each and every year, to liquidate and pay said bonds in ten years that shall then remain unpaid. The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid to the County Treasurer, to be kept in a separate Fund to be known as the "Yuba County Wagon Road and Bridge Interest and Sinking Fund," to be by him applied to the payment of the interest as herein provided, and for the redemption and payment of said bonds, under the direction of the Board of Supervisors.

Taxes for
interest
and
redemption

SEC. 5. The said Board of Supervisors of said county shall make arrangements for the payment of the interest on said bonds when the same shall become due, at least thirty days before the time of payment, and in the event said "Yuba County Wagon Road and Bridge Interest and Sinking Fund" is insufficient, the said Treasurer shall draw on the General Fund of said county for said purpose; and in the event these Funds prove inadequate, the said Board of Supervisors are hereby authorized to make such contracts and arrangements or loans as may be necessary for the payment of said interest and the protection of the faith of said county.

Payment
of interest.

Redemption.

SEC. 6. Whenever, at any time after the payment of the July interest of said bonds, there shall be in the Funds so raised for the payment of the principal and interest of said bonds, a sum of money amounting to five thousand dollars over and above the amount required for the payment of the annual interest, the said Board of Supervisors shall advertise in one or more public newspapers published in the Counties of San Francisco and Yuba, for a period of four weeks, for sealed proposals for the redemption of said bonds; and ten days from the time of the expiration of the time for such publication the said Board of Supervisors shall open said sealed proposals, and the said Treasurer shall pay and liquidate, so far as the Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed, at which day they may be liquidated; *provided*, there should be no proposals for less than par value, then the payment of said funds on hand shall be made on said bonds according to the number of their issue, of which the Board of Supervisors shall give four weeks notice of the numbers of bonds to be so paid, after which time said bonds shall cease to bear or draw interest. Any moneys remaining in said Funds, after the redemption and payment of the whole of said outstanding bonds, shall be turned over to the General Fund of said county.

Cancellation.

SEC. 7. Whenever any bonds shall have been paid and redeemed the said Treasurer shall mark the same as canceled and deliver the same to the County Auditor, to be by him filed and disposed of as he shall be thereunto directed by the Board of Supervisors of said county.

Accounts.

SEC. 8. The said County Treasurer shall open and keep an account of all moneys collected and paid for the interest and redemption of said bonds called the "Yuba County Wagon Road and Bridge Interest and Sinking Fund."

Construction of roads and bridges.

SEC. 9. The Board of Supervisors of the said county are hereby authorized, empowered, and required, with the funds realized from the sale of said bonds, to proceed to repair, improve, or enlarge such of the roads now known as highways in said county as shall be for the best interests of the people of said county, or to lay out any new road or roads, to erect, construct, or repair any bridge or bridges over any creek, slough, or river of said county, and to enter into and execute contracts for the repair or construction of any road or roads, or bridge or bridges; *provided*, said contracts shall be let to the lowest bidder, after giving thirty days public notice in some newspaper printed in said county; and *provided* further, that no part of the proceeds of the sale of said bonds shall be applied to the improvement or construction of any roads or highways within the corporate limits of the City of Marysville, as the same were described on the first of March, A. D. one thousand eight hundred and seventy-two.

Tolls.

SEC. 10. The Board of Supervisors of said county, upon the erection and completion of any bridge constructed under the provisions of this Act, may and are hereby authorized and empowered to charge and collect such rates of toll as they may from time to time, by the action of said Board, fix, until the sum arising therefrom, over and above the costs of collecting

the same, shall amount to a sum sufficient to pay for the cost and expense of constructing said bridge, from and after which time said bridge shall be free for all crossings of persons and property.

SEC. 11. Said Board of Supervisors shall appoint some suitable person to collect and receive said toll charged for the crossing of said bridge or bridges, and shall require from said person a bond for the faithful performance of his duties, in a sum not less than one thousand dollars, to be approved by said Board of Supervisors. Toll Collectors.

SEC. 12. It shall be the duty of the person or persons so appointed for the collection of said toll to pay over as often as once a week to the County Treasurer all moneys or tolls collected by him, taking the Treasurer's receipt therefor, which receipt shall be filed by such person with the County Auditor of said county; and all said moneys so received by said Treasurer shall be credited upon the account of the "Yuba County Wagon Road and Bridge Interest and Sinking Fund." Weekly payments.

SEC. 13. The Board of Supervisors may regulate and determine the rate of speed of travel over said bridges, and may sue for and recover judgment in any sum not less than twenty dollars before any Court of competent jurisdiction for any violation of said regulations. Rate of speed.

SEC. 14. Said Board of Supervisors may open, locate, and construct any new road or roads in said county as may be for the best interest of its inhabitants, and may open, locate, and construct such road or roads leading to and from any bridge constructed or about to be constructed by them, as the public convenience may demand, and for that purpose may enter upon and take possession of any land and real estate; if the same be private property and the right over [or] through it cannot be obtained by agreement, said Board of Supervisors may proceed and condemn the same in the same manner as now provided by law. New roads.

SEC. 15. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXLVII.

An Act entitled an Act for the relief of Joseph S. Emery.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Such sum of money, not exceeding twelve thousand dollars, is hereby appropriated out of the General Fund of the State of California as shall be found to be equitably due Joseph S. Emery, to reimburse him for losses sustained by him. Appropriation.

in the construction of the Institution of Deaf and Dumb and the Blind, a State institution, situated in the County of Alameda, in the State of California.

Payment. SEC. 2. The State Controller is hereby directed to draw his warrant upon the General Fund in favor of the said Joseph S. Emery for such sum of money as shall be allowed him by the State Board of Examiners.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCCXLVIII.

An Act to provide for the introduction of good and pure water into the Town of San Luis Obispo.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise. SECTION 1. The exclusive right is hereby granted to M. A. Benrimo, C. W. Dana, and W. W. Hays, and their assigns, to supply the inhabitants of the Town of San Luis Obispo with good and pure water for the term of twenty-five years from the passage of this Act.

Conditions. SEC. 2. The persons named in the first section of this Act, or their assigns, shall commence within four months from the passage of this Act, and shall prosecute in good faith the work necessary to be performed in making the proper excavations and in the laying down of pipe and building of reservoirs, water tanks, and other improvements usually constructed in the erection of such works; and shall, within eighteen months thereafter, have said works so far completed as to be able to supply said town and its inhabitants with good and pure water.

Privileges and duties. SEC. 3. For the purpose of introducing water into the Town of San Luis Obispo, said persons, or their assigns, are hereby granted the exclusive right to lay pipes through any or all streets and alleys of said town, for the purpose of supplying good and pure water to the inhabitants thereof, for the said term of twenty-five years; *provided*, however, that the dirt and other material displaced in laying such pipes shall in all cases be replaced in as good order and condition as they were before the pipes were laid, and that all reasonable dispatch shall be used in making the necessary excavations, so as not to cause unnecessary obstructions to the streets or public grounds through which such pipes may pass; and *provided* further, that in any work done in any of the streets and alleys of said town, or on any of the public grounds of said town, for the purpose of laying or repairing pipes, the grantees herein, or their assigns, shall at all times comply with the reasonable orders or ordinances of the municipal authorities of said town, under such penalties as may be prescribed by the ordinances thereof.

SEC. 4. After the expiration of the said term, it shall not be lawful for any other company or corporation to lay pipes for a like purpose nearer than three feet of those laid under the provisions of this Act, except when they may require to cross each other.

SEC. 5. In consideration of the exclusive privileges hereby granted, the said town may and shall have the free use of said water for fire purposes and for the use of engine houses, paying only the costs of fire plugs and locks and the necessary connection with the water mains. Fire department

SEC. 6. If there shall be a failure to complete said works and introduce good and pure water into said town in sufficient quantity to supply the inhabitants thereof within the time prescribed in this Act, or if there shall be a failure at any time during the existence of this franchise to supply the inhabitants of said town with a sufficient quantity of water for their use for a period of three months, then and in either event all the rights granted in this Act shall cease and determine and become absolutely forfeited. Penalty for failure.

SEC. 7. Said town shall have the right, at any time after fifteen years from the completion of said water works, on giving six months notice of their intention, to purchase all the works and franchises hereby granted at their true value, to be determined by four Commissioners, two to be designated by the then municipal authorities of said town, and two by the owners of the said water works and property; and in the event of their disagreement the said Commissioners shall have the right to select a fifth Commissioner, and the decision of a majority of said Board of Commissioners shall be final. The town may purchase the franchise.

SEC. 8. There shall be constructed by the persons named in the first section of this Act, or by their assigns, a reservoir of not less than twenty thousand gallons capacity, which shall have an elevation of not less than five feet above the highest point of Mill street in said town, and the main pipe shall not be less than five inches in diameter in the clear, and of sufficient strength to carry out the purposes intended by this Act. Reservoir and main pipe.

SEC. 9. All the rights hereby granted shall in no way operate to prevent the erection of reservoirs for water upon the property of any person or persons within the incorporated limits of said town, or the conducting of water from wells or reservoirs so made or erected to the premises of other persons, whenever the same is done as a matter of accommodation and not of business for profit.

SEC. 10. The municipal authorities of said town shall have the right to establish the rates of charges for water; *provided*, however, that the rates so established shall not be so low as yield less than fifteen per cent per annum on the actual capital invested in said works and property. Water rates.

SEC. 11. If the said town shall not, at the end of the said term of twenty-five years, have purchased the said works and property, as provided in section seven of this Act, and any other person or company shall receive permission to introduce water into said town, no more favorable terms shall be granted to such person or company than are enjoyed by the persons or their assigns to whom such franchise is granted in this Act, Future grants of franchises.

without extending the same terms to the grantees mentioned in this bill.

SEC. 12. This Act shall take effect immediately.

CHAPTER CCCCXLIX.

An Act to amend an "Act to provide for the management and sale of the lands belonging to the State," approved twenty-eighth March, eighteen hundred and sixty-eight.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-four is hereby amended to read as follows:

Additional
assess-
ments
for
reclama-
tion.

Section 34. In case the original assessment be insufficient to provide for the complete reclamation of the lands of the district, or in case further assessments be required from time to time to provide for the protection, maintenance, and repair of the works of reclamation, the Trustees shall present to the Board of Supervisors of the county by whom the formation of the said district was approved, a statement of the work done or to be done, and its estimated cost; and said Board shall make an order directing the Commissioners who made the original assessment, or other Commissioners to be named in such order, to assess the amount of such estimated costs upon the lands of the said district; and the said assessment shall be levied, paid, and if delinquent collected in the same manner as provided in sections thirty-three and thirty-five of this Act.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCL.

An Act to protect growing crops growing in the County of Inyo.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Statute
made
applicable.

SECTION 1. The provisions of an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Los Angeles, San Diego, and parts of Monterey, approved February fourteenth, Anno Domini eighteen hundred and seventy-two, are hereby extended

to and shall have full force and effect in the County of Inyo from the fifteenth day of March to the fifteenth day of November in each year.

SEC. 2. No person in the County of Inyo shall be able to maintain an action for damages under the provisions of this Act except those who have complied with the laws regulating the right and granting title to the public lands of this State and of the United States. Action for damages.

SEC. 3. All Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCCLI.

An Act supplementary to an Act entitled an Act to provide for the erection of a Court House and Jail in the County of Stanislaus, approved February first, eighteen hundred and seventy-two.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors, or any member thereof who has or may render any services in traveling for information, the negotiation of bonds, or for any other purpose relating to the erection of a Court House and Jail in said County of Stanislaus shall, in addition to the per diem compensation now allowed by law, be entitled to receive an amount sufficient to reimburse them for actual necessary traveling expenses while so engaged, the same to be audited and paid as other evidences of county indebtedness of said county. Traveling expenses to be paid.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLII.

An Act to provide for finishing the State Normal School building, and paying the indebtedness incurred in the construction thereof.

[Approved March 29, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor of this State is hereby authorized and empowered to appoint, immediately after the passage of this Act, three competent persons, two of whom shall be prac- Board of Commissioners.

tical mechanics, to serve as a Board of Commissioners to finish the construction of the State Normal School building, at the City of San José, as provided in this Act.

Official
oaths and
bonds.

SEC. 2. The persons so appointed shall be known as the Board of State Normal School Building Commissioners. Each member of said Board, before entering upon the discharge of his duties, shall make and subscribe the usual oath of office, and shall enter into an undertaking in the penal sum of ten thousand dollars, with two or more sufficient sureties, and conditioned for the faithful performance of the duties herein prescribed. The form and sufficiency of the undertaking shall be approved by the Governor, and after its approval shall be filed with the Secretary of State.

Terms of
office.

SEC. 3. Said Board of Commissioners shall continue in and hold their office during the pleasure of the Governor, who is hereby authorized to remove the same, or any member thereof, when deemed necessary by him, and declare their office vacant, or fill the vacancies by other appointees.

Authority.

SEC. 4. The said Board of Commissioners are hereby authorized and empowered to assume and take charge of the further construction of the State Normal School building; to receive and demand from the Trustees of the State Normal School all the books, papers, documents, maps, plans, building materials on hand, and records relating to the construction of said building; to complete and finish the said building, and furnish the same with suitable school furniture and apparatus; to use and expend the funds appropriated or levied by this Act for the purposes herein named, and to do and perform each and every act that may be necessary to execute the powers by this Act granted.

Superin-
tendent.

SEC. 5. The said Board of Commissioners are required, immediately after their appointment and qualification, to select and employ some competent architect or mechanic as Superintendent of the construction of said building, whose duty it shall be to superintend and oversee the construction of said building; to enforce a faithful compliance with all contracts, and a faithful performance of the work of the employés; to obey the instructions and directions of said Commissioners; and to protect the interests of the State and of the employés of said Commissioners. The person so selected and appointed may be removed at the pleasure of the Board of Commissioners; and he shall, before entering upon the discharge of his duties, take and subscribe an oath of office, and enter into an undertaking in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his trust.

Bond.

Construc-
tion.

SEC. 6. The said State Normal School building shall be constructed and finished substantially in accordance with the plans and specifications adopted, and no part thereof shall be constructed for nor used as a private residence or for living apartments.

Fencing
and
ornamen-
tation.

SEC. 7. If any money shall remain in the Fund hereinafter created, after the completion and furnishing of said building, the said Board of Commissioners are hereby authorized to use and appropriate the same for fencing, protecting, and ornament-

ing the grounds appurtenant to the State Normal School building.

SEC. 8. The said Board of Commissioners are also authorized and required to act as a Board of Auditors to examine, audit, and allow all liabilities now incurred by the Trustees of the State Normal School on account of the construction of said building and property, and equitably chargeable against the State. Liabilities already accrued.

SEC. 9. Said Board of Commissioners shall, within thirty days after their appointment, request by published notice the presentation to them of all evidences of liabilities created or issued by the Board of Trustees of the State Normal School on account of the construction of said building, and shall, within a reasonable time after their presentation, examine, audit, and allow or reject the same. Published notice.

SEC. 10. All claims now outstanding against said Board of Trustees on account of the construction of said building shall be presented within six months after the approval of this Act, and no such claim shall be audited or allowed by said Board of Commissioners unless the same be presented within said period of six months. Within six months.

SEC. 11. No indebtedness or liability now outstanding against or incurred by the said Trustees on account of the construction of said building shall be audited by the State Controller nor paid by State Treasurer unless the same be first audited and allowed by said Board of Commissioners. Prohibition

SEC. 12. All demands allowed by said Board of Commissioners by authority of the four last preceding sections shall be paid by orders, as provided in the next succeeding section. Orders.

SEC. 13. All payments for services rendered, labor performed, or material furnished in the construction of said building shall be made to the parties performing the work or furnishing the materials, or to their assignees, as follows: The said Board of Commissioners shall make and deliver to the party entitled, an order directed to the State Controller, stating the name of the party or firm entitled, the character of the services rendered, labor performed or materials furnished, and the amount due. The orders so drawn shall be inspected and passed upon by the State Board of Examiners, and if found correct shall be forwarded to the State Controller, who shall, upon presentation, draw his warrant on the State Treasurer for the amount due, payable to the person or firm named, out of the Funds hereinafter created. Upon presentation of such warrant, the State Treasurer is hereby authorized to pay the same out of said Fund. Manner of payments.

SEC. 14. The said Board of Commissioners and said Controller each shall keep in their respective offices a register of the warrants or orders issued by authority of the last preceding section, giving the name of the person or firm to whom issued, the date of issuance, the amount ordered to be paid, and for what materials furnished or labor or services rendered. Such registers shall be open for public inspection. Registers of warrants

SEC. 15. Each of said Commissioners shall receive and be paid for the services required by this Act the sum of one hundred and fifty dollars per month for the first six months, and Salaries of Commissioners.

the sum of fifty dollars per month thereafter, for the time actually and necessarily employed, which shall be paid monthly in the same manner as other expenditures by said Commissioners are paid.

Personal
attention.

SEC. 16. Each of said Commissioners shall attend personally to the duties herein provided, and shall be present at all the meetings of the Board. A majority of the members of said Board of Commissioners may determine its action and transact the necessary business; but no part of this Act shall be so construed as to authorize said Board of Commissioners to delegate to any individual member thereof the powers or duties conferred or imposed upon said Board by this Act.

Tax.

SEC. 17. The State Board of Equalization, at the time it fixes the rate of taxation to be levied for other purposes, shall fix such rate as to raise the sum of seventy-five thousand dollars per annum for the twenty-fourth and twenty-fifth fiscal years, to be paid into the State Treasury into the State Normal School Building Fund, and used for the purposes specified in this Act.

Interest
bearing
warrants.

SEC. 18. In the absence of money in the foregoing described Fund, the said Board of Commissioners are hereby authorized to issue orders for interest-bearing warrants for all work and services rendered or performed and material furnished after the passage of this Act in the construction of said building. Such orders shall be paid in the same manner as shall substantially comply with section thirteen of this Act, and shall state that the same are issued for interest-bearing warrants. Upon presentation of such order to the State Controller he is hereby authorized and required to draw his warrant for the amount named in such order, payable out of said Fund. The warrants so issued shall bear interest from the date of issuance till payment at the rate of ten per cent per annum, which fact shall be stated in such warrants; *provided*, that the amount of warrants shall at no time exceed the amount of money to be raised by the tax hereinbefore prescribed, and all such warrants issued in excess thereof shall be null and void.

Payments
of wages.

SEC. 19. The full wages of laborers and employes allowed by said Commissioners shall be paid to the persons earning the same, and any officer named in this Act, or any employe under them, who shall charge, deduct, retain, or demand for his or their use any part or portion of the wages or compensation allowed by said Commissioners to any mechanic, laborer, or employe employed on said building, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, or be imprisoned in the County Jail not exceeding six months.

SEC. 20. All Acts and parts of Acts, so far as the same are in conflict with this Act, are hereby repealed.

SEC. 21. This Act shall take effect and be in force from and after its passage and approval.

CHAPTER CCCCLIII.

An Act to provide further accommodation for the insane of the State of California, and to provide a Special Fund therefor.

[Approved March 27, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be established, upon a site to be ^{Asylum.} selected by Commissioners chosen therefor, an institution for the care and treatment of the insane, to be designated as the — State Asylum for the Insane, the blank before the word State in this section to be filled by the name of the place, city, town, or county where said Asylum shall be located.

SEC. 2. The Governor is hereby authorized to and shall ^{Commissioners.} appoint three Commissioners to select a site for said institution.

SEC. 3. The selection of the site for said Asylum shall be ^{Selection of site.} confined to the central and western portion of the State, embracing the central coast counties and the counties bordering on or near the Bays of San Francisco, San Pablo, and Suisun, and lying west of the valley of the Sacramento and San Joaquin rivers, the Commissioners being authorized upon the above named basis to fix more definitely the limits to the territory to be admitted and considered in the selection of said site. In making a selection of a site for said institution the Commissioners shall not be influenced by any offers of money or property, but shall decide upon said site solely upon the grounds of healthfulness, adaptability to the purposes of the institution, and convenience of access from the different parts of the State.

SEC. 4. Said Commissioners shall qualify by taking an official ^{Duties and powers of Commissioners.} oath within ten days after their appointment; and within fifteen days after their appointment they shall meet and organize by selecting of their number a Chairman and Secretary; they shall have power to receive by gift or to contract for the purchase of such site for the location of said Asylum, subject, however, to the approval of the Governor and Secretary of the State Board of Health, to whom they shall report their action in the premises, addressed to the Governor, within four months after their appointment; they shall keep a record of their proceedings; they shall receive for their services ten dollars per day and their traveling expenses; *provided*, the entire compensation shall not exceed the sum of three hundred dollars for each Commissioner. Their bills shall be audited by the State Board of Examiners and paid out of the General Fund. When the site by them selected and their official acts and contracts to secure the same to the State for the use aforesaid shall be duly approved, as herein provided, their powers, duties, and compensation shall cease. ^{Compensation.}

Directors. SEC. 5. When the site for said Asylum is determined and the title thereto obtained in accordance with the foregoing sections of this Act, the Governor shall appoint five Directors to manage the affairs of the institution, three of whom shall be residents of the county in which said institution shall be located; and he shall designate at the time of such appointment their respective terms of office, in accordance with the following classification, to wit: three of said Directors shall serve for two years, and two of said Directors shall serve for four years from the time of their appointment. Their successors shall be appointed by the Governor, and shall hold their offices for the term of four years and until their successors are appointed and qualified. In case of a vacancy occurring in said Board the Governor shall appoint, in the manner aforesaid, to fill the unexpired term.

Shall qualify. SEC. 6. The Directors provided for in the preceding section shall qualify by taking the usual oath of office, and shall enter upon their duties within thirty days after their appointment.

Plans and specifications. SEC. 7. The Directors shall procure and adopt plans, drawings, and specifications for the construction of the Asylum and other buildings and the improvement of the grounds, and shall make provision for the erection of the buildings, and cause the same to be carried out in accordance with such plans and specifications, and on such terms as they may deem proper; *provided*, such plans, drawings, specifications, provisions, and the terms thereof shall be submitted to the Governor, G. A. Shurtleff, and E. T. Wilkins, jointly, whom the Directors shall consult and advise with prior to the final adoption of any plans for such building; and further *provided*, that the Directors shall not adopt any plans for the Asylum or other buildings that will not secure the building and finishing of at least one section thereof suitable for the accommodation and treatment of patients with the appropriation named in this Act.

Contracts. SEC. 8. The Directors and other officers shall have no interest, direct or indirect, in the furnishing of any building materials, or in any contracts for the same, or in any contract for labor in the erection of said Asylum, nor in any contract for any labor, material, or supplies for the maintenance thereof.

Accommodation. SEC. 9. The plans and specifications for said Asylum shall be upon the basis of accommodating not exceeding five hundred patients at any one time.

Powers and duties of the Board of Directors. SEC. 10. The Board of Directors shall be known by the name and style of the Board of Directors of the — State Asylum for the Insane. The blank before the word "State" in this section to be filled by the name of the place, city, town, or county where said Asylum shall be located, and by that name they and their successors shall be known in law, may sue and be sued in any of the Courts of this State, and may receive, take, and hold property, both real and personal, in trust for the State for the use and benefit of said Asylum. They shall have power to govern, manage, and administer the affairs of said Asylum, and make and adopt by-laws for their own government and the government of said Asylum. They shall cause to be kept a full and correct record of their proceedings, which shall be open at all times to the inspection of any citizen desiring to

examine the same. They shall hold stated meetings at the Same. Asylum monthly, and a majority of the Board shall constitute a quorum for the transaction of business. They shall make a thorough inquiry into all the departments of labor and expense, and a careful examination of the buildings, property, and general condition of the Asylum. They shall submit to the Governor, biennially, on or before the first day of September next preceding the regular session of the Legislature, a report showing the receipts and expenditures, the general condition of the Asylum, the number of patients under treatment during the two preceding years, and such other matters touching the general affairs of the Asylum as they may deem advisable. As soon as they shall deem it necessary for the proper completion, furnishing, and management of said institution, the Board of Directors shall elect a Medical Superintendent, whose term of office shall be four years and until his successor is elected and qualified; and thenceforth the Directors shall elect the Medical Superintendent when it becomes necessary by the expiration of his term of office, or by the occurrence of a vacancy in said office.

Medical
Superin-
tendent.

SEC. 11. The Board of Directors shall elect a Treasurer, Treasurer. who shall not be of their number, and who shall hold his office for two years, and until his successor is elected and qualified. Before entering upon his duties the Treasurer shall qualify by taking the usual oath of office, and shall give bond with good and sufficient sureties in a sum not less than thirty thousand dollars, payable to the people of the State of California, to be approved by the Board of Directors, and conditioned for the faithful performance of his duties according to law, and for the delivery to his successor of all books, papers, vouchers, moneys, and effects held by him by virtue of his office. The Board of Directors may increase the amount of the bonds of the Treasurer, and may require additional surety at any time, and they may remove him for good and sufficient cause. The Treasurer shall act as the Secretary of the Board of Directors, and have charge of their books and accounts; and he shall render to the State Board of Examiners monthly a detailed statement, under oath, of the expense of the preceding month, and shall perform such other duties as the Board of Directors may require. He shall have a yearly salary of six hundred dollars, payable quarterly out of any moneys appropriated to the use of the Asylum.

Salary.

SEC. 12. Each Director shall receive as his compensation ten dollars for each meeting of the Board at which he shall be present, payable out of any moneys appropriated to the use of the Asylum; *provided*, that the sum paid to such Director shall not exceed one hundred and thirty dollars per annum; and *provided* further, that any Director whose residence is out of the county in which said Asylum is situated shall be allowed for traveling expenses mileage at the rate of ten cents per mile for the distance necessarily traveled in attending the monthly meetings of the Board.

Compensation of
Directors.

SEC. 13. The Medical Superintendent shall be a well educated and experienced physician, and a regular graduate in medicine, and shall have practiced at least five years from the

Duties of
Medical
Superin-
tendent.

date of his diploma. He shall be the chief executive officer of the Asylum. He shall have the general superintendence of the buildings, grounds, and property thereof, subject to the laws and regulations of the Directors. He shall have the control of the patients, prescribe or direct their treatment, adopt sanitary measures for their welfare, and discharge such as in his opinion have permanently recovered their reason. He shall appoint, with the approval of the Directors, as many attendants and assistants as he may think necessary for the efficient and economical care and management of the Asylum, and, with the consent of the Board of Directors, fix their compensation and discharge any of them. He shall prescribe the duties of the subordinate officers and the employes, maintain discipline among them, and enforce obedience to the laws, rules, and regulations adopted for the government of the institution. He shall estimate quarterly, in advance, the probable expenses of the Asylum, and submit the same to the Board of Directors at their last regular meeting preceding the commencement of such quarter for their approval. And the Controller is hereby authorized and directed to draw his warrants for the amount of said estimate approved by the Directors, as soon as the same shall have been approved by the State Board of Examiners, in three equal sums, in favor of the Directors, to be drawn monthly; and the Treasurer is authorized and directed to pay the same out of any moneys appropriated by law for the use and benefit of said Asylum. The Medical Superintendent shall estimate and report to the Directors the amount, kind, and quality of provisions, fuel, and clothing required for the six months ending on the first day of May and November of each year; and the Directors shall then advertise for contracts for furnishing said supplies for three successive weeks in one newspaper published in the vicinity of the Asylum, and in one newspaper published in each of the Cities of San Francisco and Sacramento. The contract or contracts shall be awarded to the lowest bidder or bidders, upon their giving to the Board of Directors satisfactory security for the faithful performance of the same. Necessary expenditures, other than those for provisions, fuel, and clothing, may be made by the Medical Superintendent, subject to the approval of the Board of Directors. The Medical Superintendent shall cause to be kept full and correct accounts and records of his official transactions from day to day, in books provided for that purpose, in the mode prescribed in the by-laws. He shall see that his accounts are fully made up to the first day of August of each year, and shall submit his annual report to the Board of Directors as soon thereafter as practicable. He shall reside at the Asylum and shall not engage in private practice, but shall be at all times in attendance at the Asylum unless he obtain leave of absence from the President of the Board of Directors. He shall receive an annual salary of three thousand dollars, payable monthly as other attachés are paid; and he and his family, if he have one, shall be furnished room, household furniture, provisions, fuel, and lights, at and from the supplies of the Asylum.

Estimates
quarterly.

Contracts
for
furnishing
supplies.

Salary.

SEC. 14. When said Asylum shall be ready for the admission of patients, and thenceforth when a vacancy occurs in the office

hereby authorized, the Directors, upon the nomination of the Medical Superintendent, shall elect an Assistant Physician, who shall be a graduate in medicine. He shall qualify by taking the usual oath of office. His salary shall be fixed by the Board of Directors, to be paid in the same manner as the other employes, and not to exceed two thousand dollars a year. He shall reside at the Asylum, and not be allowed to engage in private practice, but shall be in attendance at all times at the Asylum, except when he may obtain leave of absence from the Medical Superintendent. He shall perform such duties as may be directed by the Medical Superintendent and prescribed by the by-laws. He and his family, if he have any, shall be supplied with room, board, fuel, and lights at the Asylum. His term of office shall be four years, and until his successor is appointed and qualified. The duties of the Medical Superintendent, in his absence or sickness, shall be performed by the Assistant Physician.

Assistant
Physician.

Salary.

Term of
office.

SEC. 15. The Directors may remove any officer or employé of the Asylum, by a vote of four fifths of their number, for habitual and willful neglect of duty, or for refusal to comply with the requirements of the laws, by-laws, and regulations made for the establishment and government of the institution.

Removal
from office.

SEC. 16. The County Judge of any county in this State, and the Probate Judge of the City and County of San Francisco, shall, upon application under oath, setting forth that a person, by reason of insanity, is dangerous to be at large, cause such person to be brought before him; and he shall summon to appear, at the same time and place, two or more witnesses who well knew the accused during the time of the alleged insanity, who shall testify under oath as to conversation, manners, and general conduct upon which said charge of insanity is based; and shall also cause to appear before him, at the same time and place, two physicians, who shall be regular graduates in medicine, before whom the Judge shall examine the charge; and if, after a careful hearing of the case and a personal examination of the alleged insane person, the said physicians shall certify on oath that the person examined is insane, and the case is of a recent or curable character, or that the said insane person is of a homicidal, suicidal, or incendiary disposition, or that from any other violent symptoms the said insane person would be dangerous to his or her own life, or to the lives or property of the community in which he or she may live; and if said physicians shall also certify to the name, age, nativity, residence, occupation, length of time in this State, State last from, previous habits, premonitory symptoms, apparent cause and class of insanity, duration of the disease and present condition, as nearly as can be ascertained by inquiry and examination; and if the Judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused, and that it is of a recent or curable nature, or of a homicidal, suicidal, or incendiary character, or that from the violence of the symptoms the said insane person would be dangerous to his or her own life, or to the lives or property of others, if at large, he shall direct the Sheriff of the county, or some suitable person, to convey to and place in charge of the officers of the Insane Asylum of this State, to which the order is directed,

Commit-
ment
regulations

such insane person, and shall transmit a copy of the complaint and commitment and physicians' certificate, which shall always be in the form as furnished to the Courts by the Medical Superintendent of said Asylum; and the person taking such insane person to the Insane Asylum shall be allowed therefor the same fees as are allowed by law to the Sheriff in such cases, to be paid in like manner. And the physicians attending the examination aforesaid shall be allowed by the Board of Supervisors of the county in which the examination is had five dollars each, unless they are otherwise paid.

Rules of
exemptions.

SEC. 17. No case of idiocy, imbecility, harmless, chronic, mental unsoundness, or acute mania a potu shall be committed to this Asylum; and whenever in the opinion of the Superintendent, after a careful examination of the case of any person committed, it shall be satisfactorily ascertained by the said Superintendent that the party had been unlawfully committed, and that he or she came under the rule of exemptions provided for in this section, he shall have the authority to discharge such person so unlawfully committed, and return him or her to the county from which committed, at the expense of said county.

Payments
of expenses
of patients;
guardians.

SEC. 18. The Judge shall inquire into the ability of insane persons committed by him to the Asylum to bear the actual charges and expenses for the time that such person may remain in the Asylum. In case an insane person committed to the Asylum under the provisions of this Act shall be possessed of real or personal property sufficient to pay such charges and expenses, the Judge shall appoint a guardian for such person, who shall be subject to all the provisions of the general laws of this State in relation to guardians, as far as the same are applicable; and when there is not sufficient money in the hands of the guardian the Judge may order a sale of property of such insane person, or so much thereof as may be necessary, and from the proceeds of such sale the guardian shall pay to the Board of Directors the sum fixed upon by them each month, quarterly in advance, for the maintenance of such ward; and he also, out of the proceeds of such sale, or such other funds as he may have belonging to his ward, pay for such clothing as the Medical Superintendent shall from time to time furnish to such insane person; and he shall give a bond, with good and sufficient sureties, payable to the Board of Directors and approved by the Judge, for the faithful performance of the duties required of him by this Act as long as the property of his insane ward is sufficient for the purpose. The Board of Directors shall furnish such blank bonds as are required by this section to the several County Judges in this State, and to the Probate Judge in the City and County of San Francisco. A breach of any bond provided for in this Act may be prosecuted in the District Court of any county in this State in which any one of the obligors may reside, and the same shall be prosecuted by the District Attorney of the county in which the action shall be brought, and shall be conducted throughout and the judgment shall be enforced as in a civil action for the recovery of a debt. Should there remain in the hands of the Board of Directors or their Treasurer, at the time any insane person is discharged, any money unexpended so paid by the guardian or kindred, the same

Bonds.

shall be refunded; *provided*, that the Board of Directors shall not be required to refund any money for a fraction of a month; but upon the death of any insane person, after paying the ordinary burial expenses, the remainder of any moneys received from the guardian or on deposit with the Board of Directors or their Treasurer shall be refunded to the person or persons thereto entitled on demand. Any moneys found on the person of an insane person at the time of arrest shall be certified to by the Judge and sent with such person to the Asylum, there to be delivered to the Medical Superintendent, who shall deliver the same to the Treasurer, to be applied to payment of the expenses of such person while in the Asylum; but upon the recovery of such insane person all sums not exceeding one hundred dollars shall be returned to him when he is discharged from the Asylum. The kindred or friends of an inmate of the Asylum may receive such inmate therefrom, on their giving satisfactory evidence to the Judge of the Court issuing the commitment that they or any of them are capable and suited to take charge of and give proper care to such insane person, and give protection against any of his acts as an insane person. If such satisfactory evidence appear to the Judge he may issue an order, directed to the Medical Superintendent of the Asylum, for the removal of such person; but the Medical Superintendent shall reject all other orders or applications for the release or removal of any insane person. And if after such removal it is brought to the knowledge of the Judge, by verified statement, that the person thus removed is not cared for properly, or is dangerous to persons or property by reason of such want of care, he may order such person returned to the Asylum.

Kindred
or friends
may
assume
charge of
patients.

SEC. 19. Non-residents of this State, conveyed or coming herein while insane, shall not be committed to or supported in the State Asylum for the Insane; but this prohibition shall not prevent the commitment to and temporary care in said Asylum of persons stricken with insanity while traveling, or temporarily sojourning in the State, or sailors attacked with insanity upon the high seas and first arriving thereafter in some port within this State.

Non-residents.

SEC. 20. When a section of the Asylum provided for in this Act is ready for the accommodation of patients, the Judges in the counties more convenient to said Asylum than to the Asylum at Stockton, who are authorized herein to commit insane persons, shall order all persons thereafter by them duly examined and declared insane to the institution established by this Act; but the County Judges of this State or the Probate Judge of the City and County of San Francisco may order the transfer of any insane person committed from their respective counties from one State Asylum to the other, upon the joint recommendation or consent of the Medical Superintendents of each, the cost of such transfer to be paid by the guardian or friends of the patient transferred.

Commitments and transfers.

SEC. 21. The Directors of the Insane Asylum at Stockton are authorized and directed to cause to be finished the new building occupied by the females of that institution by erecting the north wing of said building, which shall be made to corre-

Asylum at Stockton.

spond with the south wing thereof, and in accordance with the plan originally adopted.

Tax for
Special
Insane
Asylum
Fund.

SEC. 22. To carry out the provisions of this Act the State Board of Equalization shall levy at the time other State taxes are levied, in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three, a tax of such number of cents on each one hundred dollars value of taxable property in the State as will produce a net sum of one hundred and seventy-five thousand dollars in each of said years, for the purpose of creating a special Fund, to be denominated the "Special Insane Asylum Fund;" and the assessment and collection of said tax shall be performed in the same manner and at the same time as the ad valorem State tax for other purposes is assessed and collected.

Apportion-
ment.

SEC. 23. Of the money collected from the special tax herein provided, two fifths, as it accrues, shall be expended in completing and furnishing the building at Stockton occupied by the females of that Asylum, until the sum drawn therefor amounts to one hundred and thirteen thousand dollars; and three fifths of the money derived from said tax, together with any sum remaining of the two fifths, over and above one hundred and thirteen thousand dollars, shall be expended in establishing a new Asylum according to the provisions of this Act; *provided*, one section thereof, on the plan adopted, shall first be built, furnished, and opened, as soon as practicable, for the admission of patients; and further *provided*, if it be so opened before the meeting of the next Legislature, the maintenance thereof shall be temporarily paid out of this Special Fund until other provision shall be made by law for its support.

Temporary
mainten-
ance.

Payments
on
requisitions

SEC. 24. The Controller of State is hereby authorized and directed to draw his warrants on the Treasurer of State in favor of the respective Directors of each Asylum, on their requisition upon the Fund hereby created, in accordance with the provisions of this Act; *provided*, not more than fifteen thousand dollars shall be drawn at any one time for building purposes; and *provided* further, that a detailed account of the expenditures of the sum previously drawn shall be filed with the State Board of Examiners by said Directors before the approval of any other requisition from the same Board of Directors for money for the purposes aforesaid.

SEC. 25. This Act shall take effect from and after its passage.

CHAPTER CCCCLIV.

An Act to regulate the practice of pharmacy in the City and County of San Francisco.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of June, A. D. Prohibition eighteen hundred and seventy-two, it shall be unlawful for any person, unless a registered pharmacist or a registered assistant pharmacist within the meaning of this Act, to open or conduct any pharmacy or store for retailing, dispensing, or compounding medicines or poisons, except as hereinafter provided.

SEC. 2. Any person, in order to be registered, must be either a graduate in pharmacy, a licentiate in pharmacy, a practicing pharmacist, or a practicing assistant pharmacist. Requirements.

SEC. 3. Graduates in pharmacy must be such as had four years experience in stores where prescriptions of medical practitioners are compounded, and each must have obtained a diploma from a college of pharmacy within the United States, or from an authorized foreign institution or Examining Board. Definitions. Licentiates in pharmacy are such as have had four years experience in stores where prescriptions of medical practitioners are compounded, and shall have passed an examination before the Board of Pharmacy; also such foreign pharmacists as shall present satisfactory credentials or certificates of their attainments to the Board of Pharmacy. Practicing pharmacists are such persons only as at or prior to the passage of this Act have kept and continue to keep open store in the City and County of San Francisco for compounding and dispensing of the prescriptions of medical practitioners, and for the sale of medicines and poisons. Practicing assistants in pharmacy are such persons of not less than eighteen years of age as at or prior to the passage of this Act have had two years experience in the compounding of the prescriptions of medical practitioners in the store of a practicing pharmacist, and shall furnish satisfactory evidence of the same to the Board of Pharmacy. Persons of less than eighteen years of age, or less than four years experience, are, as junior assistants or apprentices, to be under the immediate supervision of a registered pharmacist or assistant pharmacist until they have become graduates or licentiates in pharmacy.

SEC. 4. The members of the California Pharmacacutical Society residing in San Francisco shall, during the month of May, eighteen hundred and seventy-two, and every third year thereafter, during the month of May, elect five of the most competent pharmacists of San Francisco to serve as a Board of Pharmacy. Board of Pharmacy. The members of this Board shall, within thirty days after their appointment, individually take and subscribe before the County Clerk an oath faithfully and impartially to

discharge the duties prescribed by this Act. They shall hold office for the term of three years, and until their successors are appointed and qualified, and in each case of vacancy the said Board of Examiners shall select from three nominees elected at a meeting of the said society. The Board shall organize for the transaction of business in the City of San Francisco by the election for the whole term of President and Secretary. Three members of the Board shall constitute a quorum. They shall meet at least quarterly, and have power to make by-laws for the proper fulfillment of their duties. The duties of this Board shall be to transact all business pertaining to the legal regulations of the practice of pharmacy and the retailing of poisons, and to examine and register all pharmacists. All persons applying for examination shall pay to the Secretary a fee of five dollars; and on passing the examination, shall be furnished with a certificate signed by the President and the Examiners.

Registration.

Secretary.

Fees.

Renewals.

Penalty.

Penalties for adulteration.

SEC. 5. It shall be the duty of the Secretary to keep a book of registration open at some convenient place, of which due notice shall be given through the public press, in which shall be entered, under the supervision of the Board, the names, titles, qualifications, and places of business of all persons coming under the provisions of this Act; and it shall be the duty of all such persons to appear before the Board or its Secretary, within a period of thirty days after its organization, and be registered. The fee for the first registration of graduates, licentiates, and practicing pharmacists, shall be two dollars; for assistants, one dollar. It shall be the duty of every person registered to have his registration renewed every year in the month of January, the fee for which shall be one dollar, and upon changing his place of business or engagement, to notify the Secretary within thirty days. The Secretary shall make all necessary alterations in the register and notify all persons, on or before the tenth day of February, who shall not have renewed their registration, for which notification the Secretary shall receive a fee of fifty cents; and in case no answer is received within fourteen days, such name shall be erased, unless an excuse satisfactory to the Board be presented; *provided*, always, that the said name shall be restored on payment of fifty dollars to the Secretary of the Board within one year. The Secretary shall give receipts for all moneys received by him, and pay said moneys to the Treasurer of the California Pharmaceutical Society, taking his receipt therefor. The salary of the Board of Pharmacy and of the Secretary shall be fixed by the Board of Directors of the California Pharmaceutical Society, to be paid out of the registration fees and fines.

SEC. 6. From and after the first day of June, eighteen hundred and seventy-two, every registered pharmacist who shall knowingly, intentionally, and fraudulently adulterate or cause to be adulterated any drugs, chemicals, or medicinal preparation shall be held guilty of a misdemeanor, and on conviction shall be fined fifty dollars in the first, one hundred dollars in the second, and on conviction in the third case his name shall be erased from the register.

SEC. 7. *And be it further enacted*, That on and after the first day of June, eighteen hundred and seventy-two, it shall be

unlawful for any person in the City and County of San Francisco to retail any poisons enumerated in Schedules "A" and "B," appended to this Act, without distinctly labeling the bottle, box, vessel, or paper, and wrapper or cover in which said poison is contained, with the name of the article, the word "Poison," and the name and place of business of the seller. Nor shall it be lawful for any person to sell or deliver any poison enumerated in Schedules "A" and "B" to any person, unless on due inquiry it is found that the person is aware of its poisonous character, and that it is to be used for a legitimate purpose. Nor shall it be lawful for any person to sell or deliver any poison included in Schedule "A" without, before delivering to the buyer, making or causing to be made an entry in a book kept for that purpose only, stating the date of sale, the name and address of the purchaser, the name and quantity of the poison sold, the purpose for which it is stated by the purchaser to be required, and the name of the dispenser; said book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons (in not unusual doses or quantities) upon the prescriptions of practitioners of medicine.

Regulations for the sale of poisons.

SEC. 8. Be it provided that nothing contained in the foregoing section shall apply to or interfere with the business of any practitioner of medicine who does not keep open shop for the dispensing and retailing of medicines and poisons, nor with the business of wholesale dealers. Exceptions

SEC. 9. Any person who shall attempt to procure registration for himself or for any other person under this Act by making or causing to be made any false representations, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be fined in a sum not exceeding five hundred dollars. Any registered pharmacist who shall permit the compounding and dispensing of prescriptions of medical practitioners in his store by persons not registered, except by junior assistants under the direct supervision of registered persons, or any person not registered who shall keep open shop for the retailing or dispensing of medicines and poisons, or who shall fraudulently represent himself to be registered, and any registered person who shall fail to comply with the regulations of this Act in regard to the retailing and dispensing of poisons, shall for every such offense be deemed guilty of a misdemeanor, and on conviction thereof be fined fifty dollars. Penalty for false personation

SEC. 10. All persons registered under this Act shall be exempt and free from all jury duty in the City and County of San Francisco.

SEC. 11. All Acts and parts of Acts in conflict with the provisions of this Act, in so far as they so conflict, are hereby repealed.

SCHEDULE "A."

Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all other poisonous vegetable alkaloids and their salts, essential oil of bitter almonds, Poisons.

opium and its preparations, except paregoric, and other preparations of opium containing less than two grains to the ounce.

SCHEDULE "B."

Poisons. Aconite, belladonna, colchicum, conium, nux vomica, henbane, savin, ergot, cotton root, cantharides, digitalis, and their pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, sugar of lead, mineral acids, carbolic acid, and oxalic acid.

CHAPTER CCCCLV.

An Act to add an additional section to the Penal Code.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

The Penal Code.

SECTION 1. Chapter V of Part I of the Penal Code is amended by adding thereto an additional section, as follows:

Section 501. Every person who purchases or receives in pledge or by way of mortgage from any person under the age of sixteen years any junk, metal, mechanical tools, or implements, is guilty of a misdemeanor.

Section 502. Sections three hundred and thirty-nine, three hundred and forty-two, and three hundred and forty-three of the Penal Code are applicable to persons carrying on the business of junk dealers, and apply to their transactions of purchase and sale as well as to those of pledge or mortgage.

CHAPTER CCCCLVI.

An Act to amend an Act entitled an Act to regulate and license places of public amusement, approved April thirteenth, eighteen hundred and sixty-three.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of said Act is hereby amended so as to read as follows:

Exemptions from license tax.

Section 10. The license provided for in this Act shall be collected by the Collectors or other officers now authorized by law to collect State and county licenses; *provided*, that the provisions of this Act, so far as the same relate to the levying and

collecting of a license tax, shall not apply to exhibitions or entertainments given for the benefit of churches, schools, or other charitable purposes, by amateur dramatic associations or literary societies of the town or district in which such exhibition or entertainment is given.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLVII.

An Act to amend an Act entitled "An Act to provide for the management and sale of the lands belonging to the State," approved March twenty-eighth, eighteen hundred and sixty-eight.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section four of said Act is hereby amended so as to read as follows:

[Section 4.] Whenever the Register shall receive from the County Treasurer of the proper county a statement showing that any applicant for any State lands has made the first payment of principal and interest, as hereinafter provided, he shall issue to the person or persons entitled thereto a certificate of purchase, which shall show the class of land purchased, the number of acres, the price per acre, the date of payment, the date from which interest shall be computed, the amount paid, and the amount remaining unpaid; which certificate, and all certificates of purchase issued by authority of the Board of Regents of the University of the State of California, shall be received in any Court of justice in this State as prima facie evidence of title.

Certificate
of purchase
evidence
of title.

University
of
California.

CHAPTER CCCCLVIII.

An Act to protect agriculture and to prevent the trespassing of animals in the County of Colusa.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Within thirty days after the passage of this Act, the County Recorder of the County of Colusa shall make out and transmit to each Justice of the Peace in the county a certified list containing the names of all persons having marks and

County
Recorder.

brands filed or recorded in his office, a description of the marks, and a copy as nearly as possible of each brand; and hereafter, as soon as any new mark or brand is recorded, he shall transmit to each Justice a similar list of the same. The Board of Supervisors shall allow the Recorder for such services the same fees per folio as are allowed him by law for similar services.

Mark and
Brand
Book.

SEC. 2. Each Justice of the Peace, as soon as he receives the said list of marks and brands, or any subsequent list, shall copy the name in a book to be called the "Mark and Brand Book," and shall keep posted the said list in a conspicuous place in his office. The book shall always be open for public inspection, without any fees to the Justice for inspection. For neglecting or refusing to comply with the provisions of this section, or any part thereof, the Justice of the Peace so refusing or neglecting is guilty of a misdemeanor.

Animals
trespassing

SEC. 3. The owner or occupant of any land, whether or not the same is inclosed, may take up and safely keep, at the expense of the owner of any animal found trespassing upon said land. He shall be allowed for each day of keeping, from the time of taking up until sold or redeemed, as provided for in this Act, as follows: for each animal other than sheep or hogs, twenty cents; for each hog, ten cents; and for each sheep, five cents. He shall also be allowed such other damages as he may have sustained by the trespass. The taker up shall furnish all animals so taken a reasonable and sufficient amount of feed and water, and any neglect so to do shall entitle the owner of the same to a reasonable deduction from the amount allowed to the taker up, as provided in this section, for the keeping thereof.

Posting of
description

SEC. 4. The owner or occupant of the land, upon taking up any animal, shall post a description of the animal, containing the color, kind, and marks and brands of the same, upon the public highway nearest the said land, and shall, within five days after such seizure, after first making an examination of the Mark and Brand Book, file a complaint, verified by his affidavit, in the office of any Justice of the Peace of the township in which he resides or in which the lands trespassed upon is situated, against the owner of the property seized, if known, and if unknown, he may be sued as "unknown owner." All owners may be joined as defendants in one action.

Complaint.

SEC. 5. The form of the complaint shall be substantially as follows:

| | | |
|---|---|---|
| A. B., <i>Plaintiff</i> , vs. C. D., <i>Defendant</i> . | } | In Justice's Court, before E. F., J. P. |
|---|---|---|

A. B. complains and says that he is a resident of ——— Township, in the County of Colusa; that he has examined the "Mark and Brand Book" of said Justice of the Peace to find the name of the owner of the animal hereinafter described; and that it appears therefrom that C. D. is the owner thereof (or it does not appear who is the owner, and he is therefor sued as "unknown owner"); that said animal, on the ——— day of ———, A. D. 18—, was seized by plaintiff while trespassing upon land owned by ——— (or in the occupancy or possession of ———)

the plaintiff, situated in ——— Township, county aforesaid (or had trespassed and afterwards, on the — day of —, 18—, was seized); that the said animal damaged the plaintiff as follows: (here describe the nature of the damage committed) to the plaintiff's damage in the sum of — dollars.

The following is a description of the animal (giving the color of and the marks and brands on the same sufficient to identify it).

Wherefore plaintiff prays judgment for the amount allowed him by section three for the keeping of the animals (without naming the amount), (and if damages are claimed) and for the damage in the sum of — dollars and costs of suit.

A. B.

SEC. 6. If more than five animals of any one kind have the same mark or brand, they may be described in one lot as so many animals (naming the kind) bearing the marks and brands (describing the same.) No objection shall be made to the form of the complaint, if it be sufficiently intelligible, and the animals can be sufficiently identified thereby. Manner of describing.

SEC. 7. The Justice shall issue a summons directed to the defendant by name, if known, or if unknown, then to unknown owner, requiring him to appear before the Justice, at his office, at a specified time, to answer the complaint of the plaintiff. The form of the summons shall be substantially as follows: Summons.

A. B. }
vs. } In Justice's Court, before E. F., J. P.
C. D. }

The People of the State of California to C. D., defendant: You are commanded to appear before me, at my office, in — Township, in the County of Colusa, at — o'clock — m., on the — day of —, A. D. 18—, to answer the complaint of A. B., who claims to recover against you the amount allowed by law for the keeping of certain trespassing animals from the — day of —, 18—, (or if damages are claimed), and damages in the sum of — dollars; when if you fail to appear judgment will be rendered accordingly.

E. F., Justice.

The Justice shall also deliver to the officer serving the summons a copy of the description of the animals as contained in the complaint.

SEC. 8. The summons shall be returnable in not less than two nor more than ten days from its date, and shall be served at least two days before the time of appearance, and, except as provided for in the next section, shall be served by the Sheriff or any Constable of the county, as provided by section five hundred and forty-two of an Act entitled "An Act to regulate civil proceedings in the Courts of justice of this State," passed April twenty-ninth, eighteen hundred and fifty-one. The officer shall, not later than one day after receipt of summons, post a description of the animals on the outside of the Justice's office. Such posting is not essential to the service of the summons, but Service of summons.

if the officer fail to post such copy he shall not be allowed any fees for any services in the action prior to judgment.

Publica-
tion.

SEC. 9. When the defendant cannot be found, and such fact shall appear by affidavit or otherwise, or when the defendant or owner is unknown to the plaintiff, and the Justice is satisfied that the name of the owner of the animal cannot be ascertained from the Mark and Brand Book, the Justice shall order that the service of the summons be made by publication in some newspaper published in the county for two weeks, at least once a week, or if there be no newspaper published in the county, then by posting a copy of said summons, and a copy of the description of the animal or animals, for two weeks in two conspicuous places in the township and also at the County Court House. The publication of the summons in the newspaper shall be accompanied by a description of the animal or animals, as nearly correct as possible. The service of summons shall be complete at the expiration of the time prescribed for publication or posting, as the case may be.

Judgment.

SEC. 10. If judgment be for the plaintiff, the amount of the judgment shall be computed according to the provisions of section three, from the time of the trespass for each day of such trespass and keeping until the day of judgment, and shall be also for such damages as he shall have sustained with his costs of suit.

Execution.

SEC. 11. The plaintiff may have execution issued upon the judgment, and property seized belonging to the judgment debtor may be levied upon and sold as other personal property is sold under execution. Before the sale of the property, notice shall be given of the sale by posting written notices of the time and place of sale in three public places in the township where the sale is to take place, as follows: first, in case of animals other than hogs and sheep, for not less than thirty nor more than forty successive days; second, in case of other property, for not less than five nor more than ten successive days.

Accruing
costs.

SEC. 12. The officer charged with the levy of the execution may, at his discretion, leave the property first by the plaintiff seized in the possession of the plaintiff until the day of sale, if the plaintiff consents; and for the keeping of the same he shall be allowed the amount provided for in section three, to be collected on execution as accruing costs.

Bill of sale.

SEC. 13. Upon the sale of any personal property the officer shall deliver the same to the purchaser, with a bill of sale thereof containing a description of the property sold, the amount of the purchase price, the title of the action, and a statement that the property was sold in pursuance of this Act; and the property shall be particularly described by color, kind, marks, and brands. The delivery of the property and the bill of sale vests the title to the same absolutely in the purchaser.

Proceeds
of sale.

SEC. 14. Any proceeds of the sale, after satisfying the judgment and costs, shall be paid by the Justice to the owner and defendant upon demand, if demanded within six months after date of sale; otherwise it shall be paid into the County Treasury for the use of the County School Fund for the use of the county.

SEC. 15. The owner of any animal or animals seized under this Act may, previous to the sale, demand and have the possession of the same, or of so many as he may claim, upon making proof of ownership and paying his proportion of the fees, charges, allowances, and damages. He shall give the plaintiff one day's notice of the time when the said proof is to be taken by the Justice, and shall pay all the costs of such proceeding and hearing. The only question under this section shall be that of ownership, and the order of the Justice directing the plaintiff to surrender the possession of the animal to the claimant shall be a bar to any action therefor by any other claimant. Redemption of animals.

SEC. 16. If the claimant, under the proceedings provided for in the preceding section, shall deny any of the material allegations of the complaint and shall desire the surrender of the animal or animals, he shall first file with the Justice an undertaking to be approved by the Justice, with two or more sureties, in the sum of double the amount for which the action is brought, and the estimated costs of the suit, or such further sum as the Justice may order, conditioned that the defendant will pay all of the judgment, damages, and costs recovered in said action by the plaintiff, or his proportion thereof when the same is ascertained. Denial by claimant.

SEC. 17. The Justice shall keep a book open to public inspection, in which he shall record all sales made under this Act, a description of the animals sold, the price paid, name of purchaser, amount of costs, fees, and charges, and any surplus remaining after such sale. If any surplus be received by the owner of the animal he shall receipt for the same on the margin of the book. The book, with any surplus money in his hands, must be delivered by the Justice to his successor. Record of sales.

SEC. 18. The fees of the Justice and Constable or Sheriff for services under this Act shall be the same as are allowed by law to such officers for similar services, but the Board of Supervisors may annually, at its first meeting in the year, fix the fees of such officers for the services rendered in this Act. Fees.

SEC. 19. Nothing in this Act shall be so construed as to prohibit any person from driving any stock over any public highway, or from watering any stock at any natural watering place not fenced on said public highway; and *provided*, such person so driving such stock shall have a reasonable number of persons to aid and assist in the driving, and shall not be guilty of negligence and unreasonable waste or injury to lands or crops. Drovers' privileges.

SEC. 20. Any person who shall drive any animal from land other than their own on to any land or possessory claim for the purpose of taking advantage of any provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided by law, and shall be liable in damages to any person injured thereby.

SEC. 21. Any person who shall unlawfully drive off or lead away any animal seized under this Act from the possession of any person who lawfully seized the same, or from its place of keeping, is guilty of a misdemeanor, and shall be punished as provided by law. Misdemeanors.

Misde-
meanors. SEC. 22. Any person who shall tear down, deface, or destroy any summons or any notice required by this Act to be posted, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by law.

SEC. 23. All charges, damages, costs, and expenses, and fees provided for in this Act shall be paid in the gold coin of the United States.

Turkeys. SEC. 24. The words "animal" or "animals" used in this Act shall include the words "turkey" and "turkeys," and for the allowance for the keeping of the same and the time of posting notice of sale under execution shall be the same as is provided for sheep.

Quarterly
returns. SEC. 25. Each Justice of the Peace shall make quarterly returns to the Board of Supervisors of all moneys remaining in his hands or paid into the County Treasury during the preceding three months, under the provisions of this Act.

SEC. 26. An Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, shall regulate proceedings under this Act, when the provisions of the same are not inconsistent with the provisions of this Act.

SEC. 27. This Act shall apply only to the County of Colusa; and all Acts and parts of Acts in conflict with this Act, so far as the same are in conflict with this Act, are hereby repealed.

SEC. 28. This Act shall take effect thirty days after its passage as to all its provisions, except section one, which shall take effect immediately.

CHAPTER CCCCLIX.

An Act to amend an Act entitled "An Act concerning roads in the Counties of Santa Barbara and San Luis Obispo," approved February twenty-first, eighteen hundred and seventy-two.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Contracts. Section 4. All work done on roads, and in the construction and repair of bridges and causeways, shall be done under contract, awarded to the lowest responsible bidder after at least seven days notice shall have been given by publication in some newspaper printed in the county in which said work is to be done, or by posting notices in three public places in the district where the work is to be performed, calling for sealed proposals. The notice shall state the amount and the description of the work to be done, or the materials to be furnished, and the time to be allowed for its completion, or a reference to the specifications containing this information; *provided*, when the cost of

the work to be done or the materials to be furnished does not exceed the sum of one hundred and fifty dollars, the Road Overseer may cause such work to be done or materials to be furnished without calling for sealed proposals.

SEC. 2. Section eight of said Act is hereby amended so as to read as follows:

Section 8. For services rendered by Supervisors as Road Overseers in their respective districts they shall receive the sum of one hundred dollars each per quarter, and this amount shall be in full of all compensation for services of Overseers and any deputies by them appointed, as provided in section one of said Act, and the County Auditor shall draw his warrant quarterly for the amount of such compensation, to be paid out of the Road Fund of the proper district.

Compensation of Overseers.

SEC. 3. Section ten of said Act is hereby amended so as to read as follows:

Section 10. If, upon the hearing of the petition, the Board of Supervisors shall be of the opinion that the road is necessary, they shall direct the County Surveyor, and it shall thereupon be the duty of said Surveyor, to view out and locate such road and file his report thereof with the Clerk of the Board at least ten days before the first day of the regular meeting of the Board next thereafter; and for the purpose of such view and location said Surveyor shall have the right to enter upon any and all lands through or over which said road is to pass, and upon the incoming of the report of the Surveyor the Board shall declare the same to be a public road, if in their judgment it be proper to do so; *provided*, the Supervisors shall pay or tender to, or cause to be set apart in the Treasury of the county for the claimant, the sum of money awarded to him as damages, and shall direct a warrant to be drawn in his favor for said sum to be delivered to him upon his request or application therefor; or if in the judgment of the Board of Supervisors said road, although of public benefit, shall be of special and particular benefit to the petitioner or petitioners, they shall make an order that the same shall not be opened or altered until the amount of damages by them awarded shall be paid or tendered to such owners or occupants of the land by the petitioner or petitioners.

Survey and location.

SEC. 4. Section eleven of said Act is hereby amended so as to read as follows:

Section 11. Any person or persons owning or claiming lands through or upon which it is proposed by said proceedings and the report of the Surveyor to locate a public road, and desiring to apply for damages in consequence of such location, shall make application to the Board of Supervisors on the first day of the regular meeting of the Board next after the meeting at which the order of survey was entered, wherein shall be set forth the particular road referred to, the amount and character of the land to be effected thereby, and other circumstances having relation to the subject of damages upon such land; and said Board shall proceed to hear the statements and evidence offered by the owners or occupants of land through or over which the proposed road is to pass, and before proceeding to the transaction of any other business shall determine all matters having relation to the subject of damages upon such land;

Applications for damages.

provided, that the legal guardians of minors, idiots, and insane persons shall be authorized and required to take all the measures in the premises which may be necessary to fully protect their rights. Any person who fails to make application for damages within the time and in the manner specified in this section shall be considered as waiving all claims for damages, and as dedicating the lands affected by the proposed location or alteration of said road to the public.

SEC. 5. Section fourteen of said Act is amended so as to read as follows:

Applica-
tion of
section two
of this Act.

Section 14. Nothing in this Act except the provisions of section two thereof shall apply to or be in force in the Town of San Luis Obispo as the boundaries of said town are or may be defined by law, but nothing in this Act or in an Act entitled an Act to reincorporate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-two, shall exempt said town from the operation of said section two of said Act.

SEC. 6. Section fifteen of said Act is hereby amended so as to read as follows:

Section 15. An Act to amend an Act entitled "An Act concerning roads and highways in the County of Monterey," approved April eighth, eighteen hundred and sixty-two, approved April second, eighteen hundred and sixty-six, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed and made inapplicable to the Counties of Santa Barbara and San Luis Obispo.

SEC. 7. This Act shall take effect immediately.

CHAPTER CCCCLX.

An Act to provide for legalizing of certain assessments in the County of Sierra.

[Approved March 28, 1872.]

Preamble. WHEREAS, Certain irregularities and informalities in the assessment of property, both real and personal, in the County of Sierra, for the fiscal years A. D. eighteen hundred and sixty-nine, eighteen hundred and seventy, and eighteen hundred and seventy-one, render it difficult, if not impossible, to collect the delinquent taxes of said years by due process of law; therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Assessor. SECTION 1. The Assessor of said county who made said assessments is hereby authorized and directed, in presence of the Auditor and District Attorney of said county, to correct any errors or mistakes and supply any omissions or deficiencies in the assessment rolls of said county for said years, and the assessment rolls so corrected shall be duly certified by said

Assessor and attested by the Auditor and District Attorney in the presence of whom such corrections are made, and shall have the same force and effect as the original assessment roll would have had if it had been made as now corrected.

SEC. 2. The assessment rolls, corrected, as provided in section one of this Act, shall be immediately delivered to the District Attorney of said county, who shall forthwith proceed to collect said delinquent taxes in the manner now prescribed by law, and shall receive for his services a compensation of five dollars, to be taxed as costs, in all cases where the amount sued for does not exceed fifty dollars. In all other cases the compensation shall be the same as now provided by law.

District
Attorney

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCLXI.

An Act amendatory of and supplementary to an Act concerning roads in the County of Butte, approved March twelfth, eighteen hundred and seventy-two.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of said Act is hereby amended so as to read as follows:

Section 7. The Board of Supervisors shall, at their regular meeting in May of each year, make an estimate of the amount of money to be received in the Road Fund during the next fiscal year, and shall at said meeting appropriate the sum to be expended in each road district during that year; and the Road Overseers are authorized to expend the amounts appropriated to their respective districts in the manner directed by section five (5) of this Act; *provided*, the Board of Supervisors at such meeting may leave unappropriated out of the moneys to come into the Road Fund the sum of two thousand dollars; *provided*, that all the revenue collected under the provisions of this Act from each of the road districts within the county shall only be appropriated to the use and benefit of roads within the district from which said revenue is derived, and shall be kept for such separate and exclusive use, free from applications and appropriations to any other purpose or use. But nothing in this amendment shall be construed to interfere with the two thousand dollars to be held unappropriated as before described in this section.

Annual
estimates
and
expendi-
tures for
each road
district.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCLXII.

An Act authorizing the issuance of State bonds to the amount of two hundred and fifty thousand dollars, to be known as State Capitol Bonds of Eighteen Hundred and Seventy-two.

[Approved March 28, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

| | |
|-----------------------|--|
| Bonds to be prepared. | SECTION 1. It shall be the duty of the State Treasurer to prepare and have ready for delivery on the first of July, eighteen hundred and seventy-two, except the signatures to the bonds, two hundred and fifty bonds of this State for the sum of one thousand dollars each. Said bonds to bear date on the first day of July, eighteen hundred and seventy-two, and to be payable in the gold coin of the United States, at the office of the State Treasurer, fifteen years after date. Said bonds shall bear |
| Interest. | interest at the rate of seven per centum per annum, payable in gold coin semi-annually on the first day of January and the first day of July, at the office of the Treasurer; for which interest there shall be coupons attached to said bonds. Each bond shall be signed by the Governor, be countersigned by the Controller, and be indorsed by the Treasurer. These bonds |
| Name of bonds. | shall be known as the State Capitol Bonds of Eighteen Hundred and Seventy-two, and the Controller and Treasurer shall each keep an account of them and of their redemption. |
| Tax to be levied. | SEC. 2. For the purpose of paying the interest on said bonds as it accrues, and the principal when it becomes due, an ad valorem property tax of one and one half cents on each one hundred dollars of taxable property within the State is hereby levied annually until the whole of the bonds issued under this Act are paid. The moneys arising from said tax shall be kept in a distinct Fund, to be known as "The State Capitol Bonds Interest and Sinking Fund of Eighteen Hundred and Seventy-two," and shall be used for no other purpose than paying the interest on said bonds as it accrues and redeeming and paying the principal. |
| Redemption. | SEC. 3. Whenever, on the first day of February in any year, there shall remain in the State Capitol Bonds Interest and Sinking Fund of Eighteen Hundred and Seventy-two the sum of five thousand dollars or more, over and above a sufficient amount to pay all interest due or that may become due prior to the then next first day of January, the Treasurer shall advertise for at least thirty days, in at least two newspapers published in each of the Cities of Sacramento and San Francisco, that he will, at a day and hour named in such advertisement, open sealed proposals for the redemption of State Capitol Bonds of Eighteen Hundred and Seventy-two to the amount (stating it), of the surplus money in said Fund; and at the time stated, the Treasurer and Controller shall open all such bids in public, and accept the offer or offers that are most advantageous to the |

State; *provided*, however, that no offer exceeding par value and accrued interest shall be accepted.

SEC. 4. The Board of State Capitol Commissioners shall, ^{Disposal of bonds.} either at one time or from time to time as they deem proper, dispose of the whole or any part of said bonds, after having given at least ten days notice by advertising in at least two newspapers published in each of the Cities of Sacramento and San Francisco, of the time when the Board will meet in the Secretary of State's office, and open bids for the purchase of (here stating the amount) State Capitol Bonds of Eighteen Hundred and Seventy-two, and on the day and at the hour stated the Board of Commissioners shall meet in the office of the Secretary of State, and in public open the bids received and award the bonds to the party or parties who offer to pay the greatest price in gold coin therefor; *provided*, however, that said Board may reject all bids; and *provided* further, that no sale of said bonds shall be made prior to the first of July, eighteen hundred and seventy-two.

SEC. 5. Whenever the Board of State Capitol Commissioners ^{Delivery.} shall make a sale of any of said bonds, they shall certify the fact to the Controller and Treasurer, stating the name of each purchaser, the number of bonds bought by him, and the amount to be paid therefor, whereupon the proper number of bonds shall be signed, countersigned, and indorsed, and upon the payment of the proper sum to the Treasurer in gold coin, delivered to the purchaser. All moneys arising from the sale of said bonds ^{Proceeds of sale.} shall be kept in a distinct Fund, to be known as the State Capitol Special Fund of Eighteen Hundred and Seventy-two; and no part of it shall be used to pay any warrant or other debt for labor, work, material, or other thing done or furnished in, on, or about the State Capitol for its construction or furnishing prior to the first day of June, eighteen hundred and seventy-two.

SEC. 6. For work or labor done, or material furnished in, on, ^{Payments for work on the Capitol.} or about the State Capitol, or its surrounding grounds and streets, after the first day of June, eighteen hundred and seventy-two, payments shall be made so long as it lasts out of the State Capitol Special Fund of Eighteen Hundred and Seventy-two.

SEC. 7. The Controller shall notify the several County ^{County Auditors to be notified.} Auditors of the passage of this Act and of its levy of a tax of one and one half cents on each one hundred dollars' worth of property; and it shall be the duty of each County Auditor to add said one and a half per cent to the other State taxes in his county.

SEC. 8. So much money as may be necessary to carry this ^{Appropriated.} Act into effect is hereby appropriated out of any unappropriated money in the General Fund, to be paid upon the certificates of the State Board of Examiners.

SEC. 9. This Act shall take effect upon its passage.

CHAPTER CCCCLXIII.

An Act relative to unpaid warrants and assessments in Reclamation District number one hundred and eight.

[Approved March 29, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Warrants
to draw
interest.

SECTION 1. All orders or warrants drawn or to be drawn by the Trustees of Reclamation District number one hundred and eight, on the Treasurers of the respective counties in which the said district is situated, and approved by the Board of Supervisors of the proper county, which are not paid for want of funds, shall bear interest at the rate of ten per cent per annum from the date of their presentation to said Treasurers until paid.

Delinquent
assess-
ments to be
collected
with
interest.

SEC. 2. All unpaid and delinquent assessments levied or to be levied on the land or the lands in said district shall be chargeable, with interest thereon at the rate of ten per cent per annum, from the time the assessment lists have been or shall be returned by the County Treasurer to the District Attorney of the county until said assessments are paid; and such interest shall be collected with the assessments, and placed to the credit of said district.

SEC. 3. This Act shall take effect from its passage.

CHAPTER CCCCLXIV.

An Act supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Certain
accounts
may be
allowed by
the Court.

SECTION 1. When it shall appear, upon the settlement of the accounts of any executor or administrator, that debts against the deceased have been paid without the affidavit and allowance prescribed by section one hundred and thirty-one of the Act to which this Act is supplementary, and it shall be proven by competent evidence to the satisfaction of the Probate Court that such debts were justly due, were paid in good faith, that the amount paid was the true amount of such indebtedness over and above all payments or setoffs, and that the estate is solvent, it shall be the duty of the said Court to allow the said sums so paid in the settlement of said accounts.

SEC. 2. This Act shall go into effect from and after its passage.

CHAPTER CCCCLXV.

An Act supplementary to and explanatory of the Act approved March the sixth, eighteen hundred and seventy-two, entitled an Act to authorize the County of Sacramento to issue bonds.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Nothing in the Act of March the sixth, eighteen hundred and seventy-two, the title of which is recited in the title of this Act, shall be construed to require or authorize the levy of any tax other than the tax for the annual interest prior to the year eighteen hundred and ninety. Tax for interest only.

SEC. 2. This Act shall take effect upon its passage.

CHAPTER CCCCLXVI.

An Act supplementary to the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The city assessment, which the City Assessor is Time. required to make in each year of the property within the City of Sacramento, shall hereafter be made between the first Monday in September and the third Monday in December.

SEC. 2. The City Assessor shall receive a salary of eighteen Salary. hundred dollars per annum, payable monthly out of the City General Fund.

SEC. 3. So much of sections eleven and eighteen of the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled "An Act to incorporate the City of Sacramento," and of any amendatory or supplementary Act thereto, or of any other Act in conflict with the provisions of this Act, are hereby repealed.

SEC. 4. This Act shall take effect upon its passage.

CHAPTER CCCCLXVII.

An Act for the relief of J. Johnson.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation to pay J. Johnson.

SECTION 1. The sum of one hundred and twenty dollars is hereby appropriated out of any unappropriated money in the State Treasury for the payment of J. Johnson for services rendered during the eighteenth session of the California Legislature, in keeping the entrance to the State Capitol in order; and the State Controller is hereby directed to draw his warrant in favor of said J. Johnson for one hundred and twenty dollars, and the State Treasurer is directed to pay the same.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER CCCCLXVIII.

An Act supplementary to an Act to authorize and provide for the payment by the County of Amador to the County of Calaveras, or its assigns, of interest on certain indebtedness due from the County of Amador to the County of Calaveras, approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special tax continued.

SECTION 1. The special tax provided for and authorized in section one of the Act to which this Act is supplementary is hereby continued, and the Board of Supervisors of Amador County shall continue to levy each year, at the time that other county taxes are levied, said special tax of thirty cents on each one hundred dollars of taxable property in said county; said tax to be collected at the same time and in the same manner that other county taxes are collected, and when collected shall be apportioned as follows: two thirds shall be paid into the Hospital Fund, and the remaining one third shall be paid into the Special Fund for the redemption of outstanding warrants.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCLXIX.

An Act to authorize the Board of Supervisors of the County of Yolo to levy, and the Collector to collect, a special tax for the Plainfield School District.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Yolo, at the time they levy the State and county taxes for the year eighteen hundred and seventy-two, shall levy a special tax upon the property assessed in Plainfield School District sufficient to raise the sum of two hundred and twenty-five dollars in coin, which tax shall be collected and paid over in accordance with the provisions of section ninety-nine of an Act passed April the fourth, eighteen hundred and seventy, entitled an Act to amend an Act to provide for a system of common schools.

SEC. 2. Said sum of two hundred and twenty-five dollars shall be paid out and used only in making up and satisfying any deficiency in the expenses of said school district for the school year eighteen hundred and seventy-one and eighteen hundred and seventy-two in conducting a school for eight months, to be drawn from the County Treasury as other school moneys.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCCLXX.

An Act to authorize the Supervisors of Kern County to levy a special tax for the County General Fund.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Supervisors of Kern County are hereby authorized to levy a special tax of ten (10) cents on the one hundred dollars (\$100) in the years eighteen hundred and seventy-three and eighteen hundred and seventy-four, for the County General Fund, in addition to the tax already authorized by law.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXXI.

An Act regulating proceedings in Courts of record of Nevada County in certain cases.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Courts may
be held at
Truckee.

SECTION 1. Whenever, in the discretion of the Judges of the District, County, or Probate Courts in and for the County of Nevada, the ends of justice will be promoted and expenses to the parties interested decreased by holding sessions of said Courts at the Town of Truckee, such Judges may, by order, set a time for holding such sessions and trying such cases as appear regularly upon the docket from the Township of Meadow Lake, on the first day of each term.

County
officers to
attend.

SEC. 2. When such sessions are held as heretofore provided, all the officers of the county who are required to attend upon the Court, the session of which has been appointed, shall be present at said time with all records and papers required in the trial of said cases in the respective Courts, and there perform such duties as are now required by law.

Court
Commis-
sioners.

SEC. 3. The Judges of the Courts herein specified are authorized, if in their judgment it be necessary, to appoint Court Commissioners at the Town of Truckee, who may make such orders and transact such business as said Judges are by law authorized to do in chambers; *provided*, that all such business must be approved by the Judges of said Courts.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCCCLXXII.

An Act defining a lawful and partition fence in the Counties of Butte and Yuba.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Lawful
fences
described.

SECTION 1. The lawful fence for the Counties of Butte and Yuba shall be: first, a post and rail or plank fence, consisting of at least four rails or planks, the top rail or plank to be four and one half feet from the ground, the crevice between the top rail or plank and the second or next rail or plank to be not more than eight inches, and the rail or plank nearest the

ground to be not more than four inches from the ground; second, a worm or stake and ridged fence which shall be not less than four and one half feet high, staked, and having at least one rider, with the crevices to correspond with those described in the above and first paragraph of this Act.

SEC. 2. Any fence which, by reliable evidence, shall be declared as strong and substantial, and as well calculated to protect inclosures as either of those described in the first section of this Act, and being four and one half feet high, shall be deemed a lawful fence in the Counties of Butte and Yuba.

General
require-
ments.

SEC. 3. When a fence has been erected by any person on the line of his land, and the person owning the land adjoining thereto shall make or cause to be made an inclosure on the opposite side of such fence, so that such fence may answer the purpose of inclosing his ground also, such person shall pay the owner of such fence already erected one half the value of so much thereof as serves as a partition fence between them; *provided*, if the party so inclosing shall neglect or refuse to pay for the one half of such fence the land so inclosed shall become liable therefor, and the value of one half of such fence shall become and remain a lien on such land, and shall draw interest at the rate of fifteen per cent per annum until paid. Notice of such lien shall be filed in the office of the County Recorder of the county, as provided by law for mechanics' liens. The value of the fence at the time such inclosure was made shall be the amount, with interest thereon, to which the builder of the fence shall be entitled.

Partition
fences.

Lien.

SEC. 4. When two or more persons own land adjoining which is inclosed by one fence, and it becomes necessary for the protection of the rights and interests of one party that a partition fence should be made between them, the other or others, when notified of such fact, shall proceed to erect or cause to be erected one half of such partition fence—said fence to be erected on, or as near as practicable, the line of said land; and if, after thirty days' notice given, either party shall persist in refusing to erect or cause to be erected one half of such fence, the party giving the notice may proceed to erect or cause to be erected the entire partition fence, and collect by law one half of the cost of such fence from the other party; and he shall be entitled to the lien upon the land thus partitioned, as provided in the preceding section.

Adjoining
owners
must pay
proportion-
ate costs.

SEC. 5. All partition fences separating adjoining inclosures shall stand upon the line; and any person or persons, when erecting a partition fence and refusing to place it on the line dividing such lands, or to remove it to such line when erected otherwise than thereon, shall subject himself to one half the cost of its removal and erection in the right place; *provided*, however, that all partition fences entitled to the benefits of this Act shall be made a lawful fence as described in this Act.

Location.

SEC. 6. The respective owners or lessees of land which now are or hereafter may be inclosed with fences, shall keep up and maintain in good repair all partition fences between their own and next adjoining inclosures in equal shares, so long as both parties continue to occupy or improve the same.

Repairs.

Applica-
tion of
Act.

SEC. 7. This Act shall apply only to the Counties of Butte and Yuba, and all Acts or parts of Acts in conflict with this Act, in so far as the Counties of Butte and Yuba are concerned, are hereby repealed.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXXIII.

An Act to amend an Act entitled an Act concerning roads and highways in the County of Sacramento, approved April second, one thousand eight hundred and seventy.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Annual
road
poll tax.

SECTION 1. Section thirteen of the above entitled Act is hereby amended so as to read as follows:

Section 13. An annual road poll tax is hereby levied on each able-bodied man between the ages of twenty-one years and sixty years residing within the County of Sacramento, outside the corporate limits of the City of Sacramento, as follows: if said tax is paid at any time between the first Monday of January and the second Tuesday in September following it shall be two dollars; if paid at any time between the said second Tuesday in September and the first Monday in January following it shall be three dollars, after demand made by the Road Overseers of their respective districts.

SEC. 2. Section fifteen of the above entitled Act is hereby amended so as to read as follows:

Reports
of Road
Overseers.

Section 15. On the second Tuesday after the first Monday in each month it shall be the duty of each Road Overseer to report, in writing, his whole proceedings during the then last preceding month, and to pay to the Treasurer all moneys collected by him during said time, less his fifteen per cent; and in the month of September in each year he shall return all the road poll tax receipts not sold and settle finally with the Auditor and Treasurer for all that he had received; and after his accounts are settled, so many of said or similar receipts as may be necessary shall be delivered to him and be charged to him at the rate of three dollars each, and for which he shall make a final return and settlement.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXIV.

An Act to provide for the support of men belonging to the "Paid Fire Department" of the City and County of San Francisco who may be disabled while in the performance of their duties.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any member of the "Paid Fire Department" of the City and County of San Francisco shall become disabled by reason of injuries received at any fire so as to be unable to perform his duties, the Board of Supervisors, upon the recommendation of the Board of Fire Commissioners of said city and county, are hereby authorized and empowered to allow said disabled man a sum not exceeding fifty dollars per month, not to exceed three months, payable out of the General Fund of said city and county in the same manner and form as other payments are made out of said Fund.

Appropriations for disabled firemen.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLXXV.

An Act to provide for the payment of the salaries and fees of the officers of Alpine County.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer of the County of Alpine is hereby directed and empowered to set aside from the General Fund of said county a sum which shall not exceed amount one dollar on each one hundred dollars of the property assessed in said county upon which the taxes are actually levied and collected. The sum so set aside shall be devoted to the payment of the fees and salaries of the officers of said Alpine County, the said fees and salaries to be paid in gold coin; *provided*, that in case the Fund so set aside shall be more than sufficient to pay the fees and salaries of said county officers, then the surplus remaining in said Fund on the first day of September in each year shall be transferred to the General Fund.

Special Salary Fund.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXVI.

An Act concerning roads and highways in the County of Fresno, and to repeal a certain Act in relation thereto.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public
highways.

SECTION 1. All roads in the County of Fresno are hereby declared to be public highways which are now used as such and have been declared such by order of the Board of Supervisors, or which may hereafter be declared such by said Board of Supervisors.

Road
districts.

SEC. 2. For all the purposes of this Act the road districts as now established shall be the road districts within the meaning of this law, and they may be changed, or new ones created by the Board of Supervisors, at any time when considered necessary.

Super-
visors.

SEC. 3. The Supervisors of each Supervisor District in the County of Fresno shall have the general supervision of all the public roads in his Supervisor District; he shall view all work performed on and material furnished for the public roads, and shall be present at any view or location, or change of location, of any public road, or proposed public road, authorized to be made by the Board of Supervisors, unless otherwise ordered by the said Board, and shall receive such compensation as may be allowed by the Board of Supervisors, not to exceed six dollars per day.

Road
poll tax.

SEC. 4. The said Board shall have power to levy a "road poll tax" on all able-bodied men, except Indians, between the ages of twenty-one and fifty years, which tax shall not exceed three dollars per annum, payable in gold or silver coin; *provided*, that any person liable to pay said tax may pay the same, when called on by the Roadmaster, in labor on the road, under the direction of said master, at the rate of one dollar and fifty cents per day; and said Roadmaster shall be required to give such person notice three days previous to the day such person shall be required to work, and said Roadmaster may require such person to bring such tools as he may have at command; and having fully worked out his road poll tax the Roadmaster shall deliver to him a receipt therefor.

Levy of
taxes.

SEC. 5. The Board of Supervisors shall, at their regular meeting in November, eighteen hundred and seventy-two, and every year thereafter, levy said road poll tax for the year succeeding; which tax so levied shall be due and payable on or after the first Monday of January thereafter; and said Board may, in their discretion, levy a property tax for road purposes, upon all taxable property in said county, of not more than thirty cents upon the one hundred dollars; which property tax shall be levied and collected at the same time and in the same manner and by the same officers as other property tax. They shall also, at said regular meeting, appoint for each road dis-

trict some citizen of said district as Roadmaster of the district, who shall hold office for the term of one year; *provided*, that the Board of Supervisors are hereby authorized to remove at any time any Roadmaster and appoint a successor, and fill all vacancies that may occur from any cause. The Roadmasters appointed for the term of one year shall enter upon their duties on the first Monday of January thereafter.

SEC. 6. It shall be the duty of the Clerk of the Board of Supervisors to notify any Roadmaster so appointed, who shall give a bond in the sum of six hundred dollars, conditioned for the faithful performance of the duties of his office, with two or more sureties, which bond shall be approved by the County Judge and filed with the County Clerk, and shall, before entering upon the duties of his office, take an oath of office.

Bond of
Road-
master.

SEC. 7. It shall be the duty of the Roadmaster, upon entering into office, to proceed to collect the road poll tax then due, from any person liable to said tax he may find in his district, and no person shall be deemed or held to have paid said tax unless he shall be able to exhibit a receipt thereof, or testify upon oath or affirmation that he has paid the same, and for all the purposes of this Act a Roadmaster is hereby authorized to administer oaths or affirmations. Upon any person who may be liable, refusing upon demand upon himself or his agent to pay his road poll tax, it shall be the duty of the Roadmaster to enforce the collection of the same by seizing so much of any species of personal property or debts of the delinquent, and if none such can be found, then by levying upon and seizing so much of the real property of the delinquent as will be sufficient to pay such tax and cost of seizure and sale; and shall and may sell the personal property at any time and place, by giving verbal notice of one day previous to such sale; and shall and may sell the realty in the manner prescribed for Sheriff's sale under execution; and any person indebted to another liable to pay said tax, shall be liable to pay the same for such other person, after service upon him by the Roadmaster of written notice stating the name of the person liable and owing said tax; and the party paying is hereby authorized to deduct the amount thereof from such indebtedness. The Roadmaster, after deducting the tax for which property was sold and such fees and costs as would accrue to Sheriffs for like services, shall return the surplus to the owner of the property. A delivery of the possession of personal property by the Roadmaster to any purchaser shall be a sufficient title to any purchaser, or if required by the purchaser, the Roadmaster shall execute a bill of sale.

Duties and
powers of
Road-
masters as
Collectors.

SEC. 8. It shall be the duty of the Roadmaster to have the care and general supervision of the public roads within his district, to maintain them in good repair, and to erect such necessary bridges and causeways as the means at his command will permit; *provided*, that no Roadmaster shall erect any bridge or causeway at a greater expense than fifty dollars unless authorized by the Board of Supervisors.

Construc-
tion and
repairs.

SEC. 9. The Board of Supervisors shall cause proper blank road poll tax receipts to be printed, of an uniform appearance,

Road
poll tax
receipts.

which shall be numbered consecutively and signed by the Chairman and Clerk of the Board, and no other receipts for road poll tax shall be used by the Roadmaster. The Chairman shall deliver the same to the Clerk of said Board, who shall from time to time deliver them to the Roadmasters, taking their receipt therefor, and also keep an account of the same.

Quarterly
reports.

SEC. 10. Each Roadmaster shall report under oath to his District Supervisor, who is hereby authorized to administer said oath, quarterly, the amount of money collected and paid out by him, to whom and for what paid, and the number of days he has been in actual service, which report shall be by the District Supervisor transmitted to the Board; and said Roadmasters shall each receive for their services, while in actual employment, such compensation as shall be allowed by the Board, not to exceed four dollars per day.

Penalty for
neglect.

SEC. 11. Any Roadmaster failing or refusing to perform any of the duties prescribed by this Act shall be removed from office and shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding two hundred dollars, and for which fine his official bond shall be liable, and said fine shall be paid into the Road Fund of said county.

Repealing.

SEC. 12. All Acts and parts of Acts in conflict with the provisions of this Act, and an Act entitled an Act concerning roads and highways in the County of Fresno, approved April twenty-fifth, eighteen hundred and sixty-three, are hereby repealed.

SEC. 13. This Act shall take effect immediately.

CHAPTER CCCCLXXVII.

An Act amendatory of and supplemental to an Act entitled an Act to provide for the improvement of public parks in the City of San Francisco, approved April fourth, eighteen hundred and seventy.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of said Act is hereby amended so as to read as follows:

Bonds.

Section 9. The said Commissioners shall, from time to time, create and issue bonds, which shall be countersigned by the Mayor of said city and county, with the corporate seal affixed, in sums of not less than three hundred dollars nor more than one thousand dollars, which bonds shall not exceed in the aggregate the sum of two hundred and twenty-five thousand dollars, and shall be payable twenty-five years from their date, and may sell or dispose of the same at not less than ninety per cent of their par value, to create a Fund to be called "Park Improvement Fund." Such bond, and the interest thereon,

Park Im-
provement
Fund.

shall be paid in gold coin. Said interest shall be paid semi-annually at the office of the Treasurer of said city and county, and said bonds shall bear interest at a rate not exceeding six per cent per annum. The said parks and avenues are hereby pledged as security for the redemption of said bonds. Any balance of the appropriations made for any one year may be expended in any succeeding year. It shall be lawful for the holder or holders of any bond or bonds heretofore issued under the provisions of the Act to which this Act is amendatory and supplemental, to surrender such bond or bonds, with the unpaid coupons thereon, to the Auditor of said city and county; and upon such surrender being made, bonds of like denomination to those surrendered, payable as herein provided, with coupons attached bearing interest at six per cent per annum, shall be issued and delivered to the person or persons making the surrender aforesaid; and the Auditor shall, in the presence of the Mayor, cancel all bonds and coupons so surrendered in exchange for others as herein provided.

Exchange
of bonds.Cancellat-
tion.

SEC. 2. Section ten of said Act is hereby amended so as to read as follows:

Section 10. The Park Commissioners shall sell the bonds from time to time, as the money arising therefrom shall be needed for the prosecution of improvements on said parks, and all moneys arising from sales of bonds shall be paid into the Treasury of the city and county to the credit of a Fund to be known as the "Park Improvement Fund," and shall only be drawn therefrom upon the order of said Park Commissioners, or a majority of them, audited by the Auditor of said city and county.

Sale of
bonds.

SEC. 3. In order to render said avenues and parks of easy access to the citizens of San Francisco, the said Commissioners are hereby authorized and empowered to draw from the said "Park Improvement Fund" not exceeding the sum of twenty thousand dollars, and expend the same on such of the public streets of the said city leading to said avenues and parks as in the judgment of said Commissioners shall best subserve the public convenience; but the said Commissioners shall not expend any moneys as in this section contemplated unless the property holders along the line of the streets thus designated and selected by the Commissioners shall unite with the said Commissioners and contribute an amount equal to that proposed to be expended by the Commissioners, and place the same in the said "The Park Improvement Fund," the whole to be laid out under the direction and supervision of the said Commissioners.

Expendi-
tures on
city streets.

Condition.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXVIII.

An Act validating certain contracts in relation to the excavation of Putah Creek Canals, and extending the time of performing the same.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Contracts
declared
valid.

SECTION 1. The contract for excavating sections of the Putah Creek Canals, in Swamp Land District Number Eighteen, in Yolo County, made respectively with R. S. Carey and John Mathews by the Board of Supervisors of said county while acting as Swamp Land Commissioners, are hereby declared to be valid and binding upon said district, and said Board of Supervisors are hereby authorized to extend to said R. S. Carey and John Mathews respectively further time in which to complete the works under and according to their respective contracts; and such extension shall be for such length of time and upon such terms and conditions as may be just and reasonable, and the terms and conditions prescribed by said Board of Supervisors shall be taken and considered to be a part of the original contract.

Extension
of time.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXIX.

An Act to authorize the Board of Supervisors of Kern County to purchase a certain Toll Road.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Purchase
of road.

SECTION 1. The Board of Supervisors of Kern County are hereby authorized and empowered in their discretion to purchase the road in said county known as the McFarland Toll Road.

Provision
for
payment.

SEC. 2. To meet the expenses of said purchase, there shall be levied and collected, as other taxes are now levied and collected in said county, a special tax of not to exceed one fourth of one per cent upon each one hundred dollars value of property assessed in said county each year, until the debt contracted in the purchase of said road is liquidated.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXX.

An Act in relation to the salary of the Treasurer and Auditor of the County of Butte.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salary of the County Treasurer of the County Treasurer. of Butte shall be twenty-seven hundred dollars per annum.

SEC. 2. The salary of the Auditor of the County of Butte Auditor. shall be twelve hundred dollars per annum.

SEC. 3. All fees and compensation, other than as above pro- Fees. vided for, received by either of said officers, must be paid into the County Treasury, to the credit of the Salary Fund of the county.

SEC. 4. This Act shall be in force from and after its passage.

CHAPTER CCCCLXXXI.

An Act to authorize the inhabitants of the Mormon Slough, in San Joaquin County, to form a reclamation district, and levy taxes therein.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of San Joaquin County Reclama- may, any time after the passage of this Act, upon petition of tion district thirty qualified electors residing within the district hereinafter named, order a reclamation district to be laid out along the main channel or channels of the Mormon Slough, from the eastern limits of the City of Stockton to the junction of said slough with the Calaveras River; said district to be one mile wide on each side of said slough; *provided*, that the said district shall not extend in width at any point from said Mormon Slough more than half way to the Calaveras River, and the outer lines thereof to be parallel with it as near as may be made by following the lines of sections and quarter sections of the Weber grant and the legal subdivisions of the United States survey; *provided*, if there are two main channels to said slough, then one mile each side from the center of each of such channels, according to the aforesaid lines.

SEC. 2. At any time, upon the petition of forty qualified Water Trustees. electors residing in said district, after the lines shall have been established as provided in section one of this Act, the said Board of Supervisors may order an election to be held therein

- Tax.** for the election of three Water Trustees, and also for the purpose of levying a tax on the real estate of said district to clear out and enlarge the channel or channels of the said slough, not to exceed two dollars and fifty cents on each one hundred dollars of valuation of said real estate for any one year.
- Notice of election.** SEC. 3. At any such election so to be held there shall be at least thirty days notice given, by posting notices signed by the Clerk of the said Board of Supervisors in three conspicuous places in said district, at least three miles apart, setting forth the place and time of such election, and the names of two Judges to conduct such election, who shall be appointed and notified by said Board of Supervisors, as in the manner of the appointment of Judges for general elections.
- Election Judges.** SEC. 4. Such Judges shall be governed by the laws regulating the manner of holding general elections, and making the returns thereof.
- Qualifications of voters.** SEC. 5. At any such election to be held in the said district electors must have the qualifications required by the laws regulating general elections; *provided*, they shall not be required to be on a poll list thirty days previous to any such election, but shall be registered on the Great Register of the county thirty days previous to such election.
- Ballots.** SEC. 6. The ballots voted at any such election shall distinctly state the amount of the tax to be levied, or shall state thereon the words, "No tax."
- Assessment** SEC. 7. If, at any such election held according to the provisions of this Act, a majority of those voting shall vote in favor of the tax, then it shall be the duty of the Assessor of the district to assess the real estate and improvements at its full cash valuation; *provided*, that said assessment shall be made between the first day of May and the first day of October. The Board of Trustees shall sit as a Board of Equalization for not less than two days nor more than four days, for the purpose of equalizing the assessment of the district, which shall be performed in a similar manner to the Board of Supervisors when they sit as a Board of Equalization, and a notice of such sitting of the Board shall be given for at least one week previous to such sitting of the Board, by posting notices in three public places in the district.
- Equalization.**
- Assessor.** SEC. 8. The Assessor shall be elected at the time of the election of the Board of Trustees, and at the time of the election for levying said tax, and shall be ex officio one of the said Board of Trustees.
- Collector.** SEC. 9. The said tax shall, after having been duly voted and assessed, be collected by a Collector, who shall be elected at the same time and in the same manner as the Board of Trustees and Assessor, and may be one of the Board of Trustees, except the one elected as Assessor.
- Collection of tax.** SEC. 10. The Collector shall proceed to collect any such tax levied within thirty days after the assessment shall have been completed and the roll returned to the Board of Trustees by the Assessor, and if any such tax shall not be paid within sixty days after the return of said assessment roll, and notice to that effect given as provided in section three of this Act, except that the said notices shall be signed by the Collector instead of

the Clerk, then the said taxes shall be collected in the same manner as the delinquent State and county taxes are collected.

SEC. 11. All moneys collected under the provisions of this Act shall be paid into the County Treasury, to be by him kept in a separate Fund and paid only on the order of a majority of the said Board of Trustees, except as hereinafter provided in section twelve. County Treasurer.

SEC. 12. The said Board of Trustees shall have power to accept labor in lieu of any tax from any person so taxed, if they may so choose to do; *provided*, such labor shall be performed before the expiration of the time for the payment of said tax, and a receipt for such labor from the said Trustees, if performed within the time prescribed, shall be sufficient bar to collection in money by said Collector or District Attorney; and the said Board shall have power to use the money so collected in clearing out, straightening, and enlarging the channels of said slough; and they shall have power to proceed to have one hundred feet wide on each side of said channels condemned in the manner provided by law for condemning lands for railroad companies; *provided*, the said Board of Trustees may select a place for a new channel, to be two hundred feet wide, if the nature of the obstructions in the old channels require it. Labor in lieu of tax.
New channel.

SEC. 13. If, on the condemnation of any of the lands or improvements on any of said channels, old or new, any damages may be awarded, the same may be paid out of the District Fund. Payment of damages.

SEC. 14. The Board of Supervisors may require a bond to be given by the said Trustees and by the Collector, and may order the said Trustees and Assessor and Collector to be paid a reasonable compensation, to be paid out of the said District Fund. Bond of Collector.

SEC. 15. The Board of Trustees shall not contract any debt, in any one year, for more than the amount of tax levied in that year.

SEC. 16. Any resident land owner in any section adjoining the said district may be attached to said district, on his written application to the Board of Trustees any time after the laying out of the district by the Board of Supervisors, the said Board, if in their judgment they think best, may allow said application and order the same entered in a record book to be kept by them. Additions to the district.

SEC. 17. The Board of Trustees, the Assessor and Collector herein named shall hold their respective offices for one year from the date of election and until their successors are elected; *provided*, that should any vacancies occur they may be filled by the Board of Supervisors until the next election by the district. Terms of office.

SEC. 18. The Judges of the election shall return the ballots polled at any election to the Board of Supervisors, and the Board shall order a certificate issued to the persons so elected; and if the said Board of Supervisors shall find that any tax shall have been voted for, said Board shall cause a certificate to be issued to that effect and delivered to the said Board of Trustees. Certificate of election.

SEC. 19. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXXII.

An Act amendatory of an Act entitled an Act amendatory and supplemental to an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, A. D. eighteen hundred and sixty-eight, approved March twenty-fourth, eighteen hundred and seventy.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said amendatory and supplemental Act is hereby amended so as to read as follows:

Repairs of streets.

Notice to property owners.

Cases of neglect.

SECTION 2. All streets within the corporate limits of said town that have been graded or macadamized, or both, either at public or private expense, shall be kept in repair, under the direction of the Board of Trustees, by the owners of the land fronting thereon, one half of the street to be kept in repair by the owner or owners of the land fronting thereon, each of said owners to keep in repair to middle of the street fronting thereon. Whenever in the opinion of the said Board any of said streets need repairing, it shall be the duty of the Marshal, under the direction of the Board of Trustees, to notify in writing the owners or occupants of the property fronting on that portion of the street to be repaired, and if there be no occupant, then by posting said notice on said property and putting a copy of the same in the Post Office, duly enveloped and stamped, and addressed to said owner at his Post Office, if known; and if said owner has an agent in the town, then it shall be sufficient to serve said notice on said agent. Said notice shall state the character of the repairs to be made and the time within which they shall be completed, all of which shall be fixed by the Board of Trustees. If the person so notified to make such repairs within the time designated, then said repairs shall be made under the order of the Board by the Marshal at the expense of the owners of the property required to make them, and the expense of making said repairs shall be a lien on such property and be collected in the same manner as provided in section thirteen of an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, eighteen hundred and sixty-eight; *provided*, that said Board of Town Trustees shall have power, and it shall be lawful for them from time to time to make such repairs upon said street or streets as they shall deem necessary, without notifying or requiring said owner or owners to do the same; and may pay for the same out of any moneys remaining in the Town Treasury unappropriated. And whenever any payment shall be made for repairs made by said Board of Trustees as aforesaid, said Board shall assess the amount so paid out to the property fronting on the street where said repairs shall have been made, *pro rata*, accordingly as the said Board may deem just and proper; and said assessment shall be a lien on said property assessed until

the amount of said assessment shall be paid; and if said assessments, or any of them, remain unpaid for ten days after notice given by the Marshal in the manner as in this section provided, then said Marshal shall proceed to collect the same in the manner provided in section thirteen of an Act of the Legislature of the State of California entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, eighteen hundred and sixty-eight; and *provided* further, that said Board shall have power to keep any of the streets designated in this section in repair by watering the same and paying for the same out of the Town Treasury, after which the amount so paid out for watering as aforesaid shall by said Board be assessed to the property fronting on said street pro rata, according as the said Board may by ordinance direct. And the said Board shall have power to assess the cost of repairing or watering any of the streets that may cross any of the streets so repaired or watered to blocks or quarter blocks adjacent thereto as by ordinance they may prescribe. All such costs or assessments shall be a lien, and collected as in this section provided. All such repairs, or keeping in repair, shall be done under the supervision of the Town Marshal, and subject to the orders of the Board of Trustees.

Watering
streets.

SEC. 2. The Board of Town Trustees shall have power to make any and all ordinances necessary for carrying this Act into effect. Ordinances

SEC. 3. Whenever in the opinion of the Board of Town Trustees it shall become necessary to construct or repair a culvert at the intersection of two streets, they shall have power to order the Town Marshal to construct the same under the orders and direction of said Board, and said Marshal [shall] proceed to construct the same according to such orders and instructions. When such culvert shall run parallel with the street the cost of the same shall be assessed by the Board of Town Trustees to the two quarter blocks adjacent thereto on the same side of the street, and when said culvert shall run across the street then the cost of the same shall be assessed by said Board to the four quarter blocks adjacent thereto. The said assessment shall be a lien upon such property, and if not paid within ten days after notice by the Marshal, then the same shall be collected as provided in the Act of which this is amendatory and supplemental. Culverts.

SEC. 4. The Town Treasurer shall receive no compensation for his services as Town Treasurer. The Town Marshal shall receive for his services as such the sum of one hundred dollars in gold coin, and no more, payable out of the Town Treasury. Salary of Marshal.

SEC. 5. This Act shall be in force and take effect from and after its passage.

CHAPTER CCCCLXXXIII.

An Act to divide the State into Congressional Districts.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Congressional
Districts.

SECTION 1. For the purpose of electing Representatives to the Congress of the United States, the State is hereby divided into districts, as follows:

First. SEC. 2. The First District shall be composed of the City and County of San Francisco.

Second. SEC. 3. The Second District shall be composed of the Counties of Contra Costa, Alameda, San Joaquin, Calaveras, Amador, El Dorado, Sacramento, Placer, Nevada, Alpine, and Tuolumne.

Third. SEC. 4. The Third District shall be composed of the Counties of Marin, Sonoma, Napa, Lake, Solano, Yolo, Sutter, Yuba, Sierra, Butte, Plumas, Lassen, Tehama, Colusa, Mendocino, Humboldt, Trinity, Shasta, Siskiyou, Klamath, and Del Norte.

Fourth. SEC. 5. The Fourth District shall be composed of the Counties of San Diego, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, Tulare, Monterey, Fresno, Kern, Merced, Mariposa, Stanislaus, Santa Clara, Santa Cruz, San Mateo, Mono, and Inyo.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXXXIV.

An Act authorizing the Board of Supervisors of Merced County to levy a special tax for road purposes.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special tax SECTION 1. The Board of Supervisors of Merced County, at their regular meeting in May, eighteen hundred and seventy-two, are hereby authorized and empowered to levy a special tax on all taxable property in said county, not to exceed fifty (50) cents on each one hundred (\$100) dollars valuation, in addition to the tax already authorized by law, to be used for road purposes.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXXV.

An Act to provide for the organization of an Exempt Firemen's Association in the City of Sacramento.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The President of the Board of Delegates of the Meeting. Sacramento Fire Department shall, within thirty days after the passage of this Act, call a meeting at Firemen's Hall, in the City of Sacramento, of all exempt firemen of Sacramento, including such as are made exempt by the Act creating a Paid Fire Department in Sacramento, which meeting shall be presided over by said President of said Board of Delegates, and the Secretary of the Sacramento Fire Department shall act as Secretary thereof.

SEC. 2. Said meeting shall proceed to form and establish an association, to be known as "The Exempt Firemen's Association of Sacramento," by the adoption of a Constitution and By-laws and the agreeing upon and filing articles of incorporation; and all exempt firemen of the City of Sacramento, including such as are made exempt by the Act creating a Paid Fire Department, are hereby made members in good standing of said association, subject to the articles of incorporation, constitution, and by-laws of said association, and shall not be subject to be voted for or balloted for, or be recommended by any committee or association, before becoming a member of said association, provided application is made within six months after the passage of this Act. Incorporation.

SEC. 3. Immediately after the organization of said association, the Secretary thereof shall notify the Trustees of the Charitable Fund of the Sacramento Fire Department of such organization, and said Trustees shall immediately thereafter and within thirty days transfer to said association all the money, funds, property, and effects of every name, nature, and description belonging to said Fund or to the Volunteer Fire Department of Sacramento, and said association shall thenceforward have the care, custody, and control of said Fund and property. The present Trustees of the said Charitable Fund are hereby continued in office until the expiration of their respective terms of office. The association formed under the provisions of this Act shall elect, immediately after organization, two additional Trustees, one to hold office four years and until the first Monday in August, eighteen hundred and seventy-six, and one to hold office for five years and until the first Monday in August, eighteen hundred and seventy-seven, who shall, in connection with the present Trustees of said Charitable Fund, form a Board of Trustees to manage and care for said Charitable Fund and the other property of the association formed under the provisions of this Act, subject to the direction of said association. On the first Monday in August, eighteen hundred and seventy-two, and annually thereafter, the Transfer of the Charitable Fund. Election of Trustees. Official bonds.

association formed under the provisions of this Act shall elect one Trustee, whose term of office shall each be five years, and who shall each give bonds in a sum of not less than twenty thousand dollars. The said Charitable Fund shall be used solely for charitable purposes.

Transfer
of money
and
property.

SEC. 4. Immediately after the organization of the association formed under the provisions of this Act, the Secretary thereof shall notify the Board of Delegates of the Sacramento Fire Department of such organization, and said Board of Delegates shall immediately transfer to said association all property of every description in their possession or under their control belonging to said Charitable Fund or to the Volunteer Fire Department, including the Firemen's Plot in the City Cemetery, and said association shall thereafter own, manage, and control the same.

Meaning
of this Act.

SEC. 5. Nothing in this Act contained shall be construed or in any way deemed to apply to or to affect any property belonging to the City of Sacramento and in use by or under the control of the Volunteer Fire Department of Sacramento City.

SEC. 6. This Act shall take effect and be in force from and after its passage, and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed, so far as they conflict with the provisions of this Act.

CHAPTER CCCCLXXXVI.

An Act to provide for the redemption of the bonded indebtedness of Calaveras County.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropri-
ation.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of any money in the General Fund in the State Treasury not otherwise appropriated, for the purpose of purchasing and redeeming any of the bonded indebtedness of Calaveras County outstanding at the date of the passage of this Act, issued in pursuance of any of the Acts of the Legislature heretofore enacted.

Publica-
tion of
notice.

SEC. 2. Within three months after the passage of this Act, the County Auditor of Calaveras County shall give notice for a period of three months, in one newspaper of general circulation published in each of the Cities of San Francisco and Sacramento, and in one newspaper published in the County of Calaveras, to all persons holding any of the outstanding bonded indebtedness of Calaveras County desiring to avail themselves of the provisions of this Act, to make deposit of the bonds, together with all unpaid coupons attached thereto, which they

desire to present for redemption in the manner hereinafter prescribed.

SEC. 3. At any time within six months after the passage of this Act, any person or persons holding any of the outstanding bonded indebtedness of Calaveras County, desiring to avail himself or themselves of the provisions of this Act, shall deposit with the County Auditor of Calaveras County any bond or bonds, together with all unpaid coupons attached thereto, which he or they shall desire to present for redemption under the provisions of this Act, and at the same time shall file with said County Auditor a written description of such bonds, verified by the oath of any one of the holders thereof, that such bonds and coupons are, to the best of his knowledge and belief, genuine, and that they are deposited for redemption as provided in this Act. A copy of the said description, duly verified, shall likewise be filed in the office of the State Treasurer.

SEC. 4. The County Auditor, Chairman of the Board of Supervisors, and County Treasurer of Calaveras County shall carefully compare the bonds and coupons which shall be deposited for redemption, as provided in section three of this Act, with the register of the bonded indebtedness of Calaveras County; and all such bonds found genuine and otherwise agreeing in all respects with such register, and which shall not have been redeemed, and having all unpaid coupons attached thereto, shall, at the expiration of six months after the passage of this Act, and within seven months after the passage of this Act, be forwarded to the State Treasurer, together with a written description of each of said bonds in detail, which description shall contain the serial number of the bond, date of issuance, to whom issued, against what Fund, rate of interest, original number of interest coupons, amount of each coupon, number of interest coupons paid, amount of interest coupons paid, when the bond is due, by whom deposited for redemption, and the original amount of the bond, which description shall be certified by the County Auditor, Chairman of the Board of Supervisors, and County Treasurer of said county, as in all respects correct, as required by the provisions of this Act. A copy of said description shall also be entered in the journal of the proceedings of the Board of Supervisors of the County of Calaveras.

SEC. 5. Any bonds not deposited for redemption within the time and as provided in sections three and four of this Act, shall not be subject to redemption under the provisions of this Act.

SEC. 6. At any time within ten days after receiving the bonds and certified description mentioned in section four of this Act, the State Treasurer shall give notice for a period of thirty days, in one newspaper of general circulation published in each of the Cities of San Francisco and Sacramento, and one newspaper of general circulation published in the County of Calaveras, that one hundred thousand dollars has been set apart in the State Treasury for the redemption of any of the bonded indebtedness of Calaveras County which shall have been duly certified to the State Treasurer, as provided in section four of this Act, and that the said sum of money will be applied to the redemption of the greatest amount of the aforesaid bonded indebtedness which

Surrender
of bonds.

Bonds to
be sent to
the State
Treasurer.

Bonds not
surrendered.

Publication of
notice by
the State
Treasurer.

may be offered therefor, and shall invite sealed proposals for the surrender of such bonded indebtedness, also stating the time and place when and where said proposals will be opened.

Opening of
proposals.

SEC. 7. The proposals shall be opened by the Governor, State Treasurer, and Secretary of State, and they shall accept such proposals as will secure the cancellation of the greatest amount of bonds, which shall in all cases include the coupons attached; *provided*, that no proposal shall be accepted for the surrender of any bond and coupons as aforesaid at more than fifty per cent of its par value at the time of its issuance.

Certified
lists.

SEC. 8. The Governor, State Treasurer, and Secretary of State shall designate what bonds shall be redeemed, and shall thereupon certify a list of such redeemed bonds to the State Controller and County Auditor of Calaveras County, and at the same time shall certify to the said County Auditor a correct list of such bonds as shall have been presented for redemption as provided in this Act, and shall not have been redeemed, which lists, together with the bonds not redeemed, shall be forwarded to the said County Auditor within ten days after the opening of the proposals.

Redemption
and
cancellation
of
bonds.

SEC. 9. The State Treasurer shall, with the money appropriated in section one of this Act, redeem the bonds designated by the Governor, State Treasurer, and Secretary of State, and shall write upon each bond the date of its redemption and the amount paid upon the same, and shall also stamp upon each bond and coupon, in red ink, in capital letters, the word "Canceled;" and shall charge against the County of Calaveras the sum of money applied to the redemption of such bonded indebtedness, and shall notify the State Controller of the sum of money applied as aforesaid; the State Treasurer shall also forward all of said redeemed and canceled bonds and coupons to the County Auditor of Calaveras County.

Surplus
money.

SEC. 10. If any part of the sum of money appropriated by section one of this Act shall not have been applied to the redemption of the said bonded indebtedness as herein provided, the same shall be returned to the General Fund in the State Treasury.

Cancellation
on
Register in
Calaveras
County.

SEC. 11. Upon receipt of the bonds and lists specified in sections eight and nine of this Act, the County Auditor, together with the Chairman of the Board of Supervisors and County Treasurer of Calaveras County, shall cancel upon the register of the bonded indebtedness of said county such bonds and coupons as shall have been redeemed and canceled by the State Treasurer; and the said County Auditor shall deliver such bonds as shall not have been redeemed to the persons who deposited them for redemption as aforesaid.

Board of
Supervisors

SEC. 12. The Board of Supervisors of Calaveras County shall cause to be entered in the journal of proceedings of said Board the list of redeemed bonds, also of those not redeemed, mentioned in section eight of this Act, and shall allow out of the General Fund of said county such compensation to the County Auditor, Chairman of the Board of Supervisors, and County Treasurer, for their services under this Act as may be just, not exceeding five hundred dollars, to the County Auditor (which shall also be in full compensation for his services as

Clerk of the Board of Supervisors under this Act), fifty dollars to the Chairman of the Board of Supervisors, and fifty dollars to the County Treasurer.

SEC. 13. The sum of money paid by the State Treasurer under the provisions of this Act, not exceeding one hundred thousand dollars, shall be a charge against the County of Calaveras, and all the real and personal estate subject to taxation in said county is hereby pledged for the payment of the sum of money herein provided to be advanced. State charge against the county.

SEC. 14. It shall be the duty of the Board of Supervisors of Calaveras County, at the time of the levying of taxes for State and county purposes in each year, to levy an assessment of not less than ten cents and not to exceed twenty-five cents, on each one hundred dollars upon all the real and personal property in said county, and the taxes arising from such assessment shall be paid into the State Treasury, and shall be credited by the State Treasurer to the General Fund. The tax provided for in this section shall be levied, collected, and paid by the proper officers of Calaveras County at the same time and in the same manner that other State and county taxes are levied, collected, and paid, and shall continue in each and every year until the full amount advanced by the State, as provided in this Act, shall be paid. Levy and collection of taxes.

SEC. 15. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXXVII.

An Act relating to Swamp Land District Number Seventy, Sutter County.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All warrants drawn by the Board of Trustees of Swamp Land District Number Seventy, Sutter County, and approved by the Board of Supervisors of said county, payable out of the funds of said district, shall draw interest at the rate of ten per cent per annum from date of presentation for payment until paid. Interest.

SEC. 2. The Treasurer of Sutter County shall keep a record of all such warrants presented to him for payment, together with their date of presentation, date of issue, number, and amount, and shall indorse upon the back of the warrant the date of its presentation. Whenever there is any moneys in the Fund of said district the Treasurer shall pay the warrants in the order of their registration, together with accumulated interest from date of registration to date of payment. Registration.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXXXVIII.

An Act fixing the salaries of certain county officers of the County of Alameda, and providing means for the payment thereof.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Treasurer.** SECTION 1. The County Treasurer and ex officio Tax Collector shall receive an annual salary of six thousand dollars, payable in installments monthly, and a further sum of fifteen hundred dollars annually, as salary for the pay of a Deputy County Treasurer, payable in installments monthly, and in addition thereto shall be allowed, for his own use, the percentage for collecting poll taxes now provided for by law. The
- Recorder.** County Recorder shall receive an annual salary of four thousand dollars, payable in installments monthly, and a further sum of fifteen hundred dollars annually, as salary for the pay of a Deputy County Recorder, payable in installments monthly, and should it become necessary to employ extra help he shall apply to the Board of Supervisors of said county, and they may direct him to hire copying clerks, who shall receive a compensation to be fixed by the said Board of Supervisors, not to exceed eight cents per folio, and their accounts shall be audited and allowed by the said Board of Supervisors. The
- County Clerk.** County Clerk and ex officio County Auditor shall receive an annual salary of four thousand dollars, payable in installments monthly, and the further sum of two thousand dollars per annum, for the pay of Deputy County Clerks, payable in installments monthly. The District Attorney shall receive an annual
- District Attorney.** salary of fifteen hundred dollars, payable in installments monthly, and conviction fees, and percentage and commissions on collection of money, as now provided for by law, for his own use and benefit.
- Payments.** SEC. 2. The County Auditor of said county shall, on the last day of each month, audit and draw his warrant in favor of each of the aforesaid county officers, for their proportionate amount of salary, on the Salary Fund, but in case the said Fund shall be exhausted, then on the General Fund, and the County Treasurer shall pay the same out of any money in the Fund upon which said warrants are drawn.
- Fees.** SEC. 3. The County Treasurer, County Recorder, and County Clerk, and said County Clerk as ex officio Auditor, shall receive all fees, percentage, and any other income now provided for by law to be received for services rendered in their respective offices, and shall keep a correct account of the moneys so received, and on the last day of each month shall make out an abstract of all the moneys so received, under oath that the same is true and correct, and pay the same to the County Treasurer, taking a duplicate receipt therefor, one of which shall be filed in the office of the County Auditor.

SEC. 4. All moneys received by the County Treasurer under this Act shall be kept in a separate Fund, to be called the "Salary Fund," and all moneys received by the County Treasurer for fines collected under criminal prosecutions shall be paid into the said Salary Fund, and at the expiration of each fiscal year, if there be a surplus of money in the Salary Fund, the County Treasurer shall transfer the same to the General Fund.

SEC. 5. Any violation of this Act by any of the aforesaid officers shall be a misdemeanor in office, and upon conviction thereof shall be fined in any sum not exceeding one thousand dollars, and ousted from office. All Acts in conflict with this Act are hereby repealed so far as this Act is concerned.

SEC. 6. This Act shall take effect and be in force from and after the expiration of the terms of office of the present incumbents of the several offices hereinbefore named.

CHAPTER CCCCLXXXIX.

An Act in relation to the President and Clerk of the Board of Supervisors of the County of Sacramento.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Clerk of Sacramento County shall be ex officio Clerk of the Board of Supervisors of said county.

SEC. 2. The Clerk of said Board of Supervisors shall receive a salary of eighteen hundred (\$1,800) dollars per annum, payable monthly, to be audited, allowed, and paid as the salaries of other county officers.

SEC. 3. In addition to the fees allowed by law, the Board of Supervisors are hereby authorized to allow to the President of said Board a compensation not exceeding five dollars for each day necessarily employed when said Board is not in session; provided, however, that said per diem shall not exceed twenty-five dollars in any one month.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXC.

An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tide lands
granted to
San
Francisco
upon
express
conditions.

SECTION 1. All streets and alleys in the City and County of San Francisco which lie within the exterior boundaries of certain salt marsh and tide lands donated by the State to the Southern Pacific Railroad Company and the Western Pacific Railroad Company, for terminal purposes, by an Act entitled, an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; and, also all streets and alleys within the exterior boundaries of lands lying within the boundaries of said lands not donated to said railroad companies, but reserved for market places, and known as Produce Exchange and Market Place, are hereby vacated, and the lands covered by said streets and alleys and said market places, together with the lands heretofore set apart by the Board of Tide Land Commissioners for basins, and known as China and Central Basins, are hereby granted to the City and County of San Francisco, with full power to regulate, manage, control, and donate or dispose of the same, by ordinance, for railroad and other commercial purposes. The grant herein made to the City and County of San Francisco, for the purposes specified, is on this express condition, to wit: that any lands donated under authority of this Act to any railroad company shall revert again to the State of California, if at any time such railroad company shall cease to use, for terminal purposes, the lands granted to it.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXCXI.

An Act to provide the City of Sacramento with a better supply of water.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Trustees of the City of Sacramento are authorized, by a majority vote of said Board, to determine the quantity of water required daily for the use of said city, with the pressure per square inch or the height at which it shall be supplied to the distributing pipes, and shall for a period of sixty days, commencing at some time in the month of April next, advertise for plans, detailed specifications, and bids for the machinery and connecting pipes, delivered and set up in working order, for supplying such quantity of water, with the required head or pressure, which advertisement shall be published in two or more newspapers of general circulation in the City of Sacramento and in one published in the City of San Francisco. Each plan shall be accompanied by definite specifications of the manner in which the work is to be accomplished, and a bid for doing the same according to the plan proposed, which bid shall be signed by the bidder and two or more responsible guarantors, that the work will be completed according to plan and specification and delivered over to the Trustees within eight months of the time a contract for the same is signed and delivered.

Determination of quantity.

Advertisement.

Plans and specifications.

SEC. 2. From the plans, specifications, and bids thus received, the Board of Trustees shall select two such as, in their judgment, will best meet the requirements of the city, and shall, for a period of ten days, advertise in a public manner each of said plans, specifications, and bids, with the names of the bidders and their guarantors, in which advertisement they shall set a day, not less than twenty nor more than thirty days from date of such publication, on which the legally qualified voters of said city may vote upon the propositions of creating a debt to provide the city with water and which of the plans selected by the Trustees shall be adopted.

Selection of two plans, and notice of election.

SEC. 3. In submitting the matters named in section two of this Act, the Trustees shall ask the voters to ballot upon the following proposition, to wit: First, "Shall the debt be created?" Second, plainly designating each plan selected as herein provided, "Which plan and bid shall be accepted?" If at such election, or at any other election held under the provisions of this Act, a majority of all the votes cast shall be against the creating the debt, neither plan nor bid shall then be accepted; but if a majority of all the votes cast shall be in favor of creating the debt, that plan and bid shall be accepted which receives at such election the greater number of votes, and in accordance therewith the Trustees shall at once enter into contract with the successful bidder; *provided*, that if a majority of

Propositions to be voted upon.

Provision for subsequent annual decisions by vote. all the votes cast at the election authorized by this Act shall be against creating the debt, the Trustees may once in each succeeding year determine the questions of supply, purchase, or head of water required, advertise for plans, specifications, and bids, select therefrom, and submit to the legal voters of the city the same questions and in the same manner provided in this Act, all the provisions of which shall apply to such elections and all the proceedings had thereon.

Manner of payment. SEC. 4. To provide for the payment of the work as it progresses, the Board of Trustees are authorized, if the vote to create the debt shall prevail, to issue in the corporate name of the city certificates of indebtedness, signed by the President of the Board, and countersigned by the City Auditor, and the seal of the city attached thereto, to an amount sufficient to cover the costs of such contract, and such other and further pipes, hydrants, and minor works as in their judgment they may deem necessary, not exceeding in the aggregate one hundred and sixty-five thousand dollars, bearing interest at the rate of ten per cent per annum, payable quarterly on the first day of January, April, July, and October of each year until paid, of which certificates sixteen per cent shall be payable in one year, eighteen per cent in two years, twenty per cent in three years, twenty-two per cent in four years, and twenty-four per cent in five years from the first day of January following the date of their issue. Such certificates shall be in sums not less than five hundred dollars, and shall be paid out for such work as it progresses at par, upon estimates to be made by some competent person to be appointed by the Trustees for that purpose.

Limitation of cost.

Special Water-works Fund. SEC. 5. To secure the payment of such certificates, all the moneys received from water rents or for the use of water in said city over and above the expenses of operating such waterworks and keeping the same in repair, are hereby pledged until the whole of such certificates are paid, and shall be paid into a separate Fund, called the Special Waterworks Fund; *provided*, that not less than fifty per cent of the gross revenue derived from such water rents, or for the use of such water, shall be applied to the payment of the principal and interest of such certificates; and should the money accruing to such Fund at any time be deemed by the Trustees insufficient to meet the cost of operating and repairs and the principal and interest on such certificates as they fall due as provided by this Act, they shall annually, after the present year, levy a special water tax on all the taxable property within the limits of said city sufficient to supply such deficiency, which tax shall be levied, assessed, and collected as other city taxes, and shall be paid into the Special Waterworks Fund.

Special water tax.

SEC. 6. This Act shall take effect from date of its passage.

CHAPTER CCCCXCII.

An Act to properly define the boundaries of the Town of Antioch, and extend the same.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The boundary and line of the Town of Antioch, ^{Boundaries} on the San Joaquin River, in front of said town, as surveyed and laid out by R. Eddy in eighteen hundred and sixty-six, as per map on file in the office of the County Recorder for Contra Costa County—provided that no land lying between high and low water mark shall be taken for public use except by consent of the owners thereof—is hereby extended to extreme low water mark and low tide in the San Joaquin River.

SEC. 2. The Board of Trustees of said Town of Antioch are ^{Survey and location.} hereby empowered and authorized to have the boundaries of said town properly surveyed and located, in conformity with the survey and map of R. Eddy as filed in the office of the County Recorder for Contra Costa County on the sixth day of August, eighteen hundred and sixty-six.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCXCIII.

An Act to amend an Act entitled an Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment of the same, approved February twenty-fourth, eighteen hundred and seventy-two.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the above entitled Act is amended so as to read as follows:

[Section 1.] For the purpose of completing the school house ^{Completion of the school house.} and improving the grounds upon which the same is located, of Woodland School District, in Yolo County, the Board of Trustees of said school district are hereby authorized to borrow money, not to exceed the sum of eight thousand dollars in gold coin of the United States, at a rate of interest not to exceed ten per cent per annum, payable annually on the first day of January of each year until paid; and the principal shall be paid in four equal annual installments, the first installment on the first

day of January, eighteen hundred and seventy-three, and each of the remaining installments on the first day of January of each year, until all is paid.

Contracts.

SEC. 2. The Board of Trustees of said Woodland School District are hereby authorized to let contracts or to employ workmen and laborers, or both, and to purchase material for the purpose of improving said grounds and completing said school house, but no bills shall be allowed and no contracts made until they have submitted to the County Judge of said county, to the Superintendent of Common Schools, and to the District Attorney of said County of Yolo, who are hereby constituted a Board of Examiners for the purpose of examining such bills or contracts; and if said Board of Examiners, or a majority of them, approve the same, they shall indorse them "Approved" thereon, when the said Board of Trustees shall attach to said bills their certificate that the same has been approved, or to such contract their certificate that the same has been completed, and shall designate in said certificate the rate of interest that the amount to be paid on such bill or bills, contract or contracts, shall draw, not to exceed ten per cent per annum, and shall also certify that arrangements have been made to borrow the money at the rate of interest designated in said certificate, and from whom the money is to be borrowed, and present the same to the County Treasurer. When said certificate or certificates, contract or contracts, have been thus presented to the County Treasurer of said Yolo County, he shall deposit the same in his office for safekeeping.

Examiners
of accounts

County
bonds.

SEC. 3. Upon receiving the certificate or certificates mentioned in the preceding section, the County Treasurer of Yolo County shall issue a bond or bonds of the county, signed by him as County Treasurer of Yolo County, in such amounts as the Trustees of said Woodland School District may direct, not exceeding in the aggregate eight thousand dollars, drawing the rates of interest designated in the aforesaid certificates, payable out of the County Treasury of Yolo County in four equal annual installments, payable on the first of January in each year, the interest thereon to be paid annually at the date of the payment of the installments. Said bonds shall be signed by the County Treasurer of said county, countersigned by the President of the Board of Supervisors of said Yolo County, and shall be payable out of the Woodland School District Redemption and Interest Fund, and shall constitute a lien upon all the property, real and personal, belonging to said district.

Assessment

SEC. 4. It shall be the duty of the County Assessor of Yolo County, and he is hereby required, at the time of making assessments in said county, to designate all assessments of property in said Woodland School District, and his assessments thus made shall be returned to the Board of Supervisors of Yolo County at the time and in the manner of returning other assessments in the county. And the said Board of Supervisors are authorized and required to sit as a Board of Equalization for the purposes of equalizing said assessments, the same as all other assessments are equalized by said Board; and when said equalization has been made, said Board of Supervisors shall estimate the percentage necessary to be raised to amount to a

Equaliza-
tion.

sum sufficient to pay the interest on all bonds issued and outstanding under the provisions of this Act, together with one fourth of the principal, to which shall be added ten per cent for anticipated delinquencies; and shall each year levy and assess against all the property in said district a tax equal to the assessments aforesaid. And said taxes shall be collected by the Tax Collector of Yolo County the same as other taxes for school purposes are collected by him, (and he shall be allowed the same per cent for said collection as is allowed him by law for other similar services,) and the same shall be kept as a separate Fund, and shall be paid into the County Treasury of Yolo County, and shall be designated as the Woodland School District Redemption and Interest Fund. Collection.

SEC. 5. All delinquent taxes levied under the provisions of the Act shall be collected the same as other delinquent taxes are collected. Delinquents.

SEC. 6. The Treasurer of Yolo County shall, on the first of January, eighteen hundred and seventy-three, and on the first of January each year thereafter, until all bonds issued under the provisions of this Act have been redeemed, pay the interest on said bonds and one fourth of the principal thereof, out of the Woodland School District Redemption and Interest Fund, and if a surplus remain on hand belonging to said Fund it may be applied to the payment of the principal or remain to be applied on the next year's interest. Payment of interest and principal.

SEC. 7. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 8. This Act shall take effect immediately.

CHAPTER CCCCXCIV.

An Act to authorize the Board of Supervisors of San Mateo County to settle certain claims against said county.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of San Mateo County are hereby authorized and empowered to adjust and settle suit number eight hundred on the records of the Twelfth District Court against said county, or the Trustees of the Fifth Township thereof; and such amount, if any, as may be allowed by them, shall be audited and paid in the same manner as other claims against said county. Settlement of suit in District Court.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCXCV.

An Act to authorize the Board of State Harbor Commissioners to set apart a portion of the water front of the City and County of San Francisco for certain purposes.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Water
front for
exclusive
use of
fishermen.

SECTION 1. The Board of State Harbor Commissioners are hereby authorized and empowered to set apart, for the exclusive use and benefit of the fishermen of the City and County of San Francisco, such portion of the water front of said City and County of San Francisco as said Board of State Harbor Commissioners shall deem proper and adapted and sufficient for the requirements and necessities of said fishermen; *provided*, that said portion of the water front of said City and County of San Francisco to be set apart by said Board of State Harbor Commissioners shall be used only for the legitimate purposes and business of said fishermen, and no other.

Rates of
wharfage.

SEC. 2. The Board of State Harbor Commissioners shall charge and collect for every fishing boat in the Bay and Harbor of San Francisco taking advantage of the provisions of this Act such rent or wharfage as they shall deem just and proper; *provided*, they shall not charge more than the following rates, to wit: for boats thirty-two (32) feet long or over, one dollar per week; for boats twenty-two feet long and under thirty-two feet, seventy-five cents per week; for smaller boats, fifty cents per week.

Collecting
officer.

SEC. 3. The Board of State Harbor Commissioners are hereby authorized and empowered to employ some suitable person to collect the revenue provided in the foregoing section of this Act, and pay a proper compensation therefor, not exceeding one hundred dollars per month; and the person so employed shall be required to file a satisfactory bond with the Commissioners sufficient to cover any amount of revenue which may at any time remain in the hands of such Collector. They shall further require the person so appointed as aforesaid to keep a correct account of all moneys by him collected.

Receipts
from
wharfage.

SEC. 4. All moneys collected under this Act, after deducting the salary provided to be paid to the Collector mentioned in the preceding section of this Act, shall be paid in to the Board of State Harbor Commissioners, and disposed of in like manner as other moneys collected by the said Board of State Harbor Commissioners.

Misde-
meanor.

SEC. 5. The owner or owners of any fishing boat which shall be moored to any portion of the water front of the City and County of San Francisco, except such as shall have been set apart for that purpose by the Board of State Harbor Commissioners under the provisions of this Act, shall be deemed guilty

of a misdemeanor and fined in a sum not less than five dollars nor more than fifty dollars.

SEC. 6. This Act shall take effect immediately.

CHAPTER CCCCXCVI.

An Act supplemental to and amendatory of an Act entitled an Act to change the time for holding municipal elections in the City and County of San Francisco, and to define the official terms of certain officers therein mentioned, approved April second, eighteen hundred and sixty-six.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The fourth section of said Act is hereby amended so as to read as follows:

Section 4. At the general election to be held in the year eighteen hundred and seventy-three, and at the general election to be held every second year thereafter, there shall be elected an Attorney and Counselor for said city and county, an Auditor, a Tax Collector, a Public Administrator, a Superintendent of Public Streets, Highways, and Squares, a Chief of Police, a Superintendent of Common Schools, and one Fire Commissioner, and for each of the First, Third, Fifth, Seventh, Ninth, and Eleventh Wards, one Supervisor and one School Director, who shall respectively hold their offices for the term of two years from and after the first Monday of December next subsequent to their election and until their successors are elected and qualified, and the present incumbents of the respective offices named in this Act shall hold their offices until their successors are elected and qualified.

SEC. 2. On or before the first Monday of December, eighteen hundred and seventy-two, the officers whose terms of office are hereby extended or continued shall respectively execute and file, in accordance with the statutes regulating the same, their several official bonds for the faithful performance of the duties of their respective offices from the first Monday in December, eighteen hundred and seventy-two, and until their respective successors are elected and qualified pursuant to the provisions of this Act.

SEC. 3. The Supervisor of each ward shall be a resident and qualified elector thereof, and shall be designated as the Supervisor of the ward from which he is elected. The School Directors may be elected from the resident and qualified electors of the city and county without reference to the location of their residence. The Supervisors and School Directors shall be

elected by a plurality of all the votes cast at said elections in the City and County of San Francisco.

SEC. 4. All Acts and parts of Acts conflicting or inconsistent with this Act are hereby repealed so far as they conflict therewith.

CHAPTER CCCCXCVII.

An Act to settle and pay the claim of D. W. Gelwicks for printing and binding catalogues for the use of the State Library.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Allowance of claim. SECTION 1. The Board of Examiners are authorized and directed to examine, and, if found correct, to allow the claim of D. W. Gelwicks for printing and binding catalogues of the State Library.

Payment. SEC. 2. The Controller is hereby directed to draw his warrant on the Treasurer in favor of said Gelwicks for the payment of said claim, or so much thereof as may be allowed by said Board of Examiners, and the Treasurer is hereby directed to pay the same out of any money in the General Fund of the State Treasury not otherwise appropriated.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER CCCCXCVIII.

An Act to authorize George W. Chesley, and his associates and assigns, to lay down gas pipes in the City of Sacramento.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise granted. SECTION 1. George W. Chesley, F. S. Malone, E. M. Fry, Charles A. Low, Edward Ewald, B. N. Bugbee, and Henry Norton, and their associates and assigns, are hereby authorized to lay down pipes in and through the streets of the City of Sacramento, and through said pipes to supply gas for the use of said city and the inhabitants thereof for the term of fifty years.

Rates of charges. SEC. 2. In consideration of the rights, privileges, and franchises hereby granted, the said grantees, and their associates and assigns, shall not charge more than five dollars for each one thousand cubic feet of gas for the first five years, and not

to exceed four dollars for each one thousand cubic feet there-after; and said gas shall not be less than sixteen-candle power.

SEC. 3. All streets or ways in which said pipes may be laid down shall be placed in the same good order and condition as they were at the time of their being disturbed, at the cost of the above named grantees, their associates and assigns, and subject to the approval of the Second Trustee of the City of Sacramento, and to his satisfaction; and it is further *provided*, that all the rights conferred by this Act shall terminate if the grantees in this Act named, their associates or assigns; shall not expend at least five thousand dollars in the year eighteen hundred and seventy-two in laying suitable gas pipes in said city, and before the first day of December, eighteen hundred and seventy-three, be actually manufacturing, distributing, and selling gas in said city; and this Act shall be held to prohibit the sale or lease of this franchise to, or consolidation with, any company now engaged in manufacturing and selling gas in the said City of Sacramento.

Terms and
conditions.

Prohibition

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXCIX.

An Act to repeal an Act entitled an Act to provide for the improvement of the rivers and streams of Santa Clara County, approved April fourth, eighteen hundred and seventy.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled an Act to provide for the improvement of the rivers and streams of Santa Clara County, approved April fourth, eighteen hundred and seventy, is hereby repealed.

Repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER D.

An Act supplemental to an Act entitled "An Act to authorize the incorporation of canal companies, and to provide for the construction of canals and ditches," approved April second, one thousand eight hundred and seventy.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Formation
of corpora-
tions.

SECTION 1. Corporations may be formed under the provisions of the Act entitled "An Act to provide for the formation of corporations for certain purposes," approved April fourteenth, eighteen hundred and fifty-three, and of the several Acts amendatory thereof and supplementary thereto, for the following purposes, namely: the construction of canals, ditches, and flumes, for the transportation of passengers or of freight, or of both passengers and freight, for supplying water for irrigation, for procuring water power, for conveying water for mining or manufacturing or agricultural purposes, or for any or all of such purposes combined.

Location of
routes and
sites.

SEC. 2. Any company organized in pursuance of this Act, or any company organized under any preëxisting Acts for similar purposes, shall have power to locate and fix upon the line or route of its proposed ditch, canal, or flume, and select the site or sites of its proposed dams, ombankments, and reservoirs, in conformity with the designation of its engineer or business manager.

Condem-
nation
of land.

SEC. 3. After the lapse of ten days from the filing of the report of the Commissioners, if no motion to vacate the same is made, or if, being made, it is denied, or after the lapse of ten days from the filing of the report of a new commission, as provided in the Act to which this Act is supplemental, the County Judge shall proceed to make an order upon the same, condemning so much of the land as he shall deem necessary for such canal or ditch, or flume and other works; such order shall declare the sum to be paid by way of damages by such company, and shall award to such company the right to occupy such land and construct the proposed works upon payment by it to such owner or occupant of the sum so provided, which said order shall be duly filed in the office of the Clerk of said County Court; and from the date of the payment of such sum to such owner or occupant the said company shall have full right and authority to enter upon such land, and to erect and construct its proposed canal, ditch, or flume, and other works along the proposed route and upon its proposed site and sites, and shall have and enjoy the said land so condemned during the existence of such company; *provided*, that at any stage of the proceedings under this Act subsequent to the presentation to the County Judge of the petition mentioned in the Act to which this is supplemental, and to the filing of the same in the office of the Clerk of said Court, said Court or the Judge thereof at cham-

bers shall, by order or rule in that behalf made, authorize such Same. company, if already in possession, to continue the use and possession of the land so sought to be condemned, or if not in possession, to take possession of and to use the same for the purposes for which it is sought to be condemned, during the pendency and until the final conclusion of such proceedings, and shall stay all actions and proceedings against such company on account thereof; *provided* further, that such company shall pay into Court a sufficient sum of money, or give security to be approved by said Court or the Judge thereof, to pay the said damages when ascertained, and such other damages as such owner or occupant of said premises shall sustain by reason of such entry upon and use of the same under and in pursuance of the order last aforesaid if said petition shall be denied or dismissed.

SEC. 4. Every company organized in pursuance of this Act Bridges. shall construct and keep in good repair at all times, for public use, the various bridges across any canal, ditch, or flume owned by it, required by the Board of Supervisors of the county wherein such crossing is situated, such bridge being on the line or crossing a public highway or county road, and necessary for public use.

SEC. 5. The provisions of this supplemental Act shall apply to the County of Tehama only; but nothing herein contained shall be construed as repealing any part or portion of the Act to which this Act is supplemental, or of the Act entitled "An Act to authorize the incorporation of canal companies and the construction of canals," approved May fourteenth, eighteen hundred and sixty-two, but the said Act shall be and remain in full force, except as said Act shall be construed and modified in its application to the County of Tehama by the provisions of this Act. Applies only to Tehama County.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAPTER DI.

An Act to fix the salary of the District Attorney of Plumas County.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The District Attorney of the County of Plumas Salary. shall, in addition to such fees and percentage for the collection of delinquent taxes as is now allowed by law, receive an annual salary of twelve hundred dollars, to be audited and paid as the salary of District Attorney is now audited and paid in said county.

SEC. 2. All Acts or parts of Acts conflicting with this Act are hereby repealed.

SEC. 3. This Act shall go into effect on the first day of January, A. D. eighteen hundred and seventy-three.

CHAPTER DII.

An Act supplementary to an Act entitled an Act to provide for the protection of certain lands in the County of Sutter from overflow, approved March twenty-fifth, eighteen hundred and sixty-eight.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levee
Superin-
tendent.

SECTION 1. In Levee Districts Numbers Two and Six, in Sutter County, there shall, at the time of electing the Assessor and Collector, be elected a Levee Superintendent, whose duty it shall be to watch, guard, and protect all levees and other works of protection in their respective districts; and in times of flood said Superintendents shall have authority to engage all necessary assistance for the preservation, protection, and repair of all levees under his supervision; and the Supervisors shall allow a reasonable compensation for such work performed. The Levee Superintendent shall be allowed a sum not exceeding four dollars per day, to be determined by the Board of Supervisors, for the time actually employed in his labors. All expenses incurred under the provisions of this Act shall be payable from the funds of the district as other expenses are paid.

Election.

SEC. 2. There shall be, at the Presidential election on the fifth day of November, A. D. eighteen hundred and seventy-two, a Superintendent elected in each of the districts named in section one of this Act, who shall hold their term of office for one year, or until their successors are elected in accordance with the first section of this Act.

Additional
tax.

SEC. 3. The Board of Supervisors of Sutter County shall have power in Levee Districts Numbers Two and Six to levy a tax, in addition to the tax authorized by the Act to which this Act is supplemental, not to exceed two per cent in any one year, when petitioned to do so by three fourths of the taxpayers of the district for which the tax is to be levied; *provided*, that no tax authorized by this Act shall continue for more than one year without further petition to that effect.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER DIII.

An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow, and order paid out of the General Fund, the several sums of money hereinafter mentioned, and to exercise the following powers, to wit: Authority given to expend money.

First—To appoint a keeper of the City Cemetery, at a salary of seventy-five dollars per month. Salary.

Second—To expend such sums as may be hereafter annually levied for improving the City Cemetery. Cemetery.

Third—To expend a sum not to exceed seven thousand five hundred dollars per annum for extending and repairing the Fire Alarm and Police Telegraph. Telegraphs.

Fourth—To pay rent of Court rooms and chambers for the Judges of the Third, Fifteenth, and Nineteenth Judicial Districts. Court rooms.

Fifth—To pay for inclosing and improving Jefferson Square a sum not to exceed ten thousand dollars. Jefferson Square.

Sixth—To appoint a gardener for Jefferson Square, at a salary not to exceed seventy-five dollars per month. Gardener.

Seventh—To appoint a Sergeant-at-Arms, who shall have the same power as is conferred upon police officers, to attend meetings of the Board, serve notices, subpoenas, and perform such other duties as may be required, at a salary not to exceed one hundred dollars per month. Sergeant-at-Arms.

Eighth—To pay for fuel furnished to and used in public buildings. Fuel.

Ninth—To pay rent for Harbor Police office a sum not to exceed fifty dollars per month. Harbor Police.

Tenth—To authorize the employment of such extra clerks as may be required by the Tax Collector in his office from time to time, at a salary not to exceed one hundred and fifty dollars per month each. Extra clerks.

Eleventh—To appoint a night watchman for public buildings, at a salary not to exceed ninety dollars per month. Watchman.

Twelfth—To pay to the Clerk of the Board of Supervisors a salary not to exceed two hundred and fifty dollars per month, and to the Deputy Clerk of said Board a salary not to exceed one hundred and fifty dollars per month. Supervisors' clerks.

Thirteenth—To dedicate and appropriate the Hospital grounds and buildings on Francisco street for the purposes of a Corporation Yard, and to make provision for the storage and safe keeping of all materials used in the repair of public streets and Corporation Yard.

highways, and of all apparatus, material, and hose belonging to and not in use by the Fire Department; and also to provide for the storage of all supplies, of whatever nature or kind, that may in the judgment of said Board be deemed necessary for the use of any or all departments and offices of the city government.

Store-
keeper.

Fourteenth—To appoint a Storekeeper to take charge of the Corporation Yard, and all materials, apparatus, and supplies therein stored, and perform such duties as may be required and designated by said Board, at a salary not to exceed one hundred and fifty dollars per month.

Surveying.

Fifteenth—To expend a sum, not to exceed two thousand dollars, to make survey of and establish grades on the new county road, from Twenty-sixth street to the county line.

Sewer.

Sixteenth—To construct a main sewer in Eighteenth street, from Church street to Mission Creek.

Map.

Seventeenth—To expend a sum, not to exceed five hundred dollars, for a copy of the official outside land map.

Hospital
and Alms-
house.

Eighteenth—To expend a sum, not exceeding twelve thousand dollars per month, for the support, care, and maintenance of such persons as may be admitted to the City and County Hospital, and Almshouse, which shall be in lieu of all sums now authorized by law to be expended for such purposes.

Nineteenth—To pay out of the General Fund the sum of eight thousand dollars for purposes of urgent necessity.

Extra
assistance.

Twentieth—To allow and order paid out of the General Fund such sums as they deem absolutely necessary for extra assistance in the offices of Assessor, Tax Collector, and Auditor.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DIV.

An Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Penalty for
transacting
business
without a
license.

SECTION 1. If any person or persons, whether as principal or principals, agent or agents, clerk or clerks, employé or employes, or any firm or any member of any firm or corporation shall be engaged in carrying on, pursuing, or transacting, within the limits of the City and County of San Francisco, any business, trade, or profession, occupation or employment, which now is or shall hereafter be by law required to be licensed, without having first obtained and procured the license therefor so required by the laws of this State, or by the lawful orders of the Board of Supervisors of said city and county, or shall, after five days notice in writing, refuse, neglect, omit, or fail to comply with any requirement or requirements, provision or provis-

ions of the laws of this State or orders of the said Board of Supervisors requiring such person or persons, firm or corporation to procure a license, he, she, or they, or either of them, as the case may be, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one hundred dollars, or by imprisonment for a period not exceeding thirty days, in case the fine is not paid.

SEC. 2. The Collector of Licenses, Chief Deputy Collector of Licenses, and Assistant Deputy Collectors of Licenses of said city and county are hereby authorized, empowered, and required to collect all State and county licenses provided for and required by law to be collected within the limits of said city and county, in addition to the municipal licenses now required to be collected or which shall hereafter be required to be collected by them or either of them; and it shall be the duty of said Collector of Licenses, Deputy Collector of Licenses, and Assistant Collectors of Licenses to attend to the collection of licenses, and examine all places of business and persons liable to pay licenses, and to see that licenses are taken out and paid for. They shall each have and exercise, in the performance of their official duties, the same powers as police officers in serving process or summons and in making arrests; also, shall each have and exercise the power to administer such oaths and affirmations as shall be necessary in the discharge and exercise of their official duties; and they and each of them are hereby empowered to enter any place of business for which a license by law is provided and required, free of charge, at their pleasure, and to demand the exhibition of any license for the current time, from any person, or firm, or corporation engaged or employed in the transaction of any business for which a license is by law rendered necessary; and if such person, or firm, or corporation, or either of them, shall be unable, or refuse, or neglect, or fail to then and there exhibit such license, he, she, or they, as the case may be, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as provided by section one of this Act for punishment upon conviction of a misdemeanor.

Powers and
duties of
License
Collectors.

SEC. 3. The Board of Supervisors of the City and County of San Francisco shall have power, by ordinance, to license and regulate all such callings, trades, and employments as the public good may require to be licensed and regulated, and as are not prohibited by law, and shall have power to make all needful rules and regulations to govern the official conduct and duties of the Collector of Licenses, Deputy Collector of Licenses, and the Assistant Collectors of Licenses, who shall each hold office during the pleasure of the power appointing them (and who shall pursue no other calling or business), and to alter and amend the same from time to time in such manner as they may deem proper and for the public good, and to fix the amounts of the bonds to be required from the Collector of Licenses and Deputy Collector of Licenses and Assistant Collectors of Licenses. The Auditor of said city and county is hereby authorized and required to deliver, from time to time, to the Collector

Ordinances

City
Auditor

Monthly
reports.

Appoint-
ments and
salaries.

Revoking
licenses.

of Licenses, as many of such municipal licenses as may be required; also, to deliver from time to time to said Collector of Licenses for collection, such State and county licenses as may be required and such as he shall have received from the Controller of the State, and to sign the same and charge them to the Collector of Licenses receiving them, specifying in the charge the amounts thereof named in such licenses respectively, and the class of licenses, taking receipts therefor; and said Collector shall proceed to collect the same, signing the same in lieu of the County Treasurer; and he shall daily pay to the Treasurer of the said city and county all moneys so collected for licenses sold, or by him received as fees; and shall, under oath, at least once in each calendar month, and oftener when required so to do by the Auditor, make to the Auditor a report of all such licenses sold and on hand and of all amounts so paid to the County Treasurer in the same manner and upon the same conditions as by law the County Treasurer heretofore has been required to make return thereof to the County Auditor, and shall at such time exhibit to the Auditor all unsold licenses in his hands and the Treasurer's receipts for all moneys paid into the Treasury; and all licenses so signed by the License Collector or Deputy License Collector shall be as valid as if signed by the County Treasurer. All fees so paid to him shall be placed to the credit of the Special Fee Fund by the said Treasurer.

SEC. 4. It is hereby made the duty of the Mayor, the Auditor, and the Treasurer of said city and county, and they are hereby authorized and empowered to appoint, subject to confirmation by the Board of Supervisors of said city and county, one person as Collector of Licenses for the City and County of San Francisco, who shall receive a monthly salary of two hundred dollars, payable monthly; and the said Collector of Licenses is hereby authorized and empowered to appoint one Deputy Collector of Licenses, who shall be paid a monthly salary of one hundred and fifty dollars, payable monthly, and three Assistant Collectors of Licenses, who shall be paid each a monthly salary of one hundred and twenty-five dollars, payable monthly. Such License Collector and Deputies shall hold office during the pleasure of the Board of Supervisors. All salaries herein provided for shall be paid from the General Fund in the same manner as the salaries of other city and county officers are paid. The Assistant Collectors of Licenses and the Deputy Collector of Licenses shall, under the direction and instructions of the Collector of Licenses, observing the form and rules and regulations prescribed by said Collector and Board of Supervisors, make to the said Collector daily reports of duty performed and daily payments of money received for licenses and fees; and at the close of each month, and oftener when required by the Collector of Licenses, each shall make oath to the Auditor that he has so paid over to the Collector of Licenses all such moneys, and a failure so to do shall be a cause for removal from office.

SEC. 5. The Police Commissioners of the City and County of San Francisco are hereby authorized and empowered to revoke any licenses provided to be collected under the provisions of this Act upon the conviction in the Police Judge's

Court of any person of disorderly or improper conduct, or any offense upon the premises of any person holding a license, or upon the conviction of the person holding said license of any offense which in the judgment of said Commissioners ought to disqualify such person from holding such license.

SEC. 6. It shall be the duty of the County Treasurer to deliver to the Collector of Licenses, immediately upon this Act taking effect, all papers, books, materials, and other property appertaining and belonging to the license department. And all Acts or parts of Acts requiring the County Treasurer to collect licenses in the City and County of San Francisco, and all other Acts or parts of Acts, so far as they conflict with this Act, are hereby repealed; *provided*, that nothing in this Act contained shall curtail the clerical force in the office of the Treasurer of the City and County of San Francisco during the term of office of the present incumbent.

Duty of
County
Treasurer.

SEC. 7. This Act shall take effect and be in force on and after the twentieth day subsequent to its passage.

CHAPTER DV.

An Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade Market street, in said city, from the intersection of said street with Valencia street to its intersection with Seventeenth street, and to condemn private property for the roadway of said street, approved April second, eighteen hundred and seventy.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nineteen of said Act is hereby amended so as to read as follows:

Section 19. Said Commissioners shall make their report in writing within five months after the report of the Commissioners named in the sixth section of this Act shall have been confirmed by the County Court of said city and county, or by the Judge thereof, and such confirmation certified, as required by the tenth section of this Act, and shall subscribe the same and file it in the office of the County Clerk of said city and county, naming therein the amount ascertained to be the value of the work done on said street by the said Peter Connolly, as hereinbefore directed, the amount of costs and charges of the proceedings herein authorized, including the amount of such Commissioners fees as may be deemed proper and allowed by the said County Court, or the Judge thereof, the amount that may have been awarded as compensation to the owners of any land taken as a part of said street, under the provisions of this Act, with a description of each parcel of land so taken, with the

Report.

name of the owner thereof, when known, and the amount allowed for each parcel so taken, together with a brief description of each lot within said district, as defined in section fourteen, the name of the owner, if known, and a special designation of the amount assessed against each lot or parcel of land which should be paid by the owner or occupant of the same; and in case the three Commissioners do not agree, the award agreed upon by any two shall be sufficient. On filing such report the County Clerk shall give notice thereof for fifteen days by publication in the official paper, and in case that there should be no official paper, then in such paper as the Court or Judge may designate.

SEC. 2. Section twenty of said Act is hereby amended so as to read as follows:

Hearing
objections.

Section 20. Upon the filing of such report the said Court shall assign a day for hearing objections to the confirmation thereof, and on the day assigned, or on such other day or days to which the same shall be adjourned by said Court, shall hear the allegations of all persons interested, and may take proof in relation thereto from time to time, and shall confirm the said report, or may set the same aside and refer the matter to the same Commissioners, or to other Commissioners appointed by the County Court or the Judge thereof, who shall thereupon proceed as hereinbefore provided, and on their report the same proceedings shall be had as herein provided as to their first report.

Referred to
Commissioners.

Compensation.

SEC. 3. The said Commissioners shall be entitled to compensation for their services under this Act, to be fixed and certified by the said County Court, and taxed by said Court as a part of the expenses of the proceedings.

SEC. 4. Section twenty-one is hereby amended so as to read as follows:

Assessment

Section 21. Upon the confirmation of said Commissioners' report by the County Court as aforesaid, the County Judge of said city and county shall cause a transcript to be made in the form used for assessment rolls in said city, except that in such assessment roll to be made from such report as confirmed shall be set down in separate columns:

First—The names of all persons or corporations being the owners or occupants of lands benefited, when the same is known, and if not known then that fact to be stated.

Second—The description of the tract, lot, or parcel of land in respect to which such person or persons, or corporation, or unknown owner is assessed.

Third—The amount, in United States gold coin, which has been assessed against such described tract, lot, or parcel of land.

Collection.

To which said assessment roll the Mayor shall annex his warrant, and cause the same to be delivered to the Tax Collector of said city and county, who shall proceed to collect the same in United States gold coin, in the manner prescribed by law for the collection of general taxes in said city and county, including the same penalties for a failure to pay the same when due and payable that is prescribed for a like failure in the payment in general taxes in said city and county, and with the like

power in said Tax Collector to advertise and sell the lands so assessed, and with like effect as he is invested with in the collection of general taxes.

SEC. 5. The appointment of the Board of Supervisors, made by them on the — day of December, eighteen hundred and seventy-one, of A. W. Von Schmidt, C. G. Moxley, and C. E. Barry, as Commissioners, by virtue of the powers conferred on the said Board by the fifteenth section of the Act to which this Act is amendatory, is hereby approved and confirmed, and the said persons are hereby authorized to perform the duties devolved upon them by this Act and the Act to which this is amendatory.

Appoint-
ment of
Commis-
sioners
confirmed.

SEC. 6. The Board of Supervisors of the City and County of San Francisco are authorized and required to order the City and County Attorney of said city and county to file in the office of the Clerk of the said city and county an amended petition on behalf of the said city and county, setting forth the description, by metes and bounds or by some accurate designation, of the pieces or parcels of land which it may be necessary to have condemned for the purpose of opening Market street into Castro and Seventeenth streets not embraced by the petition heretofore filed; and the Commissioners mentioned in section six of the Act to which this is amendatory, or such other Commissioners as may be appointed in their place and stead, or in the place and stead of some one or more of them, without any further notice, shall be required to proceed to and assess the value of any piece or parcel of land not hitherto condemned and appraised for the roadway of said street, with the like force and effect as though the original petition, heretofore filed, described such piece or parcel of land. That the Commissioners acting or to act under any order of the County Court shall, without respect to the order of said Court, but not in opposition thereto, proceed to value and assess the lands described in such amended petition in the same manner as though the order of said County Court embraced or included the lands to be described in the amended petition additional to those described in the original petition. Any further or amended report of the Commissioners, embracing other lands to be included in the amended petition, shall be supplemental to any report of the Commissioners already confirmed, and on being confirmed by the County Court, the said confirmation shall be final and conclusive of the subject of the condemnation and appraisal of all lands taken for the opening and grading of Market street, as contemplated by this Act and the Act to which this is amendatory. The compensation of the Commissioners mentioned in section six of the Act to which this is amendatory shall be fixed by the County Judge of said city and county, and said compensation shall include a reasonable allowance to them for counsel fees, and the same shall be a portion of the expenses of the proceedings under said Act.

Metes and
bounds.

Value and
assess.

Final
confirma-
tion.

SEC. 7. This Act shall take effect immediately.

CHAPTER DVI.

An Act to amend an Act entitled "An Act to incorporate the Town of Redwood City," approved March twenty-seventh, eighteen hundred and sixty-eight.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Boundaries Section 1. All that tract of land lying and being in the County of San Mateo and State of California, and described as follows, shall hereafter constitute and be known as the Town of Redwood City, to wit: Beginning at a point where the northerly line of the county road leading from San Francisco to San José intersects the westerly line of the lands of J. O. Earl; thence northeasterly along the said westerly line of J. O. Earl to its intersection with the southerly line of lands of Myles D. Sweeney; thence continuing in the same course in a straight line, through the lands of Myles D. Sweeney, to the northerly line of Pulgas Rancho; thence due north, to a point on the northerly bank of what is known as the "Steinberger Slough;" thence westerly along the northerly bank of said slough to its junction with Redwood Creek; thence in a westerly direction in a straight line, to the northerly terminus of Seventeenth street, as laid down upon the map of the Town of Redwood City; thence southerly along the westerly line of Seventeenth street to its intersection with the northerly line of said county road; thence along the northerly line of said county road, in an easterly direction, to the place of beginning.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DVII.

An Act to repeal an Act granting certain powers to the Board of Supervisors of the City and County of San Francisco.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repealed. SECTION 1. An Act entitled "An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade certain streets in said city and county, and to condemn private property for the roadway of said streets,"

approved April fourth, eighteen hundred and seventy, is hereby repealed.

SEC. 2. This Act shall be in force immediately after its passage.

CHAPTER DVIII.

An Act to make appropriations for the support of the civil Government of the State of California for the twenty-fourth and twenty-fifth fiscal years.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, for the objects hereinafter expressed, and for the support of the civil Government of the State for the twenty-fourth and twenty-fifth fiscal years: Appropriations.

For salary of Governor, fourteen thousand dollars.

For salary of Private Secretary for Governor, forty-eight hundred dollars.

For salary of Executive Clerk, forty-eight hundred dollars.

For pay of porter in Governor's office, twelve hundred dollars.

For special Contingent Fund for Governor's office, five thousand dollars.

For postage, expressage, and telegraphing for Governor's office, one thousand dollars.

For payment of rewards offered by Governor, four thousand dollars.

For arresting criminals without the limits of the State, three thousand dollars.

For contingent expenses of Lieutenant Governor as Warden of State Prison, four hundred dollars.

For salary of Secretary of State, eight thousand dollars.

For salary of Deputy Secretary of State, four thousand eight hundred dollars.

For salaries of clerks in office of Secretary of State, including amount allowed for indexing the laws and journals, eighteen thousand one hundred and fifty dollars.

For pay of porter in office of Secretary of State, six hundred dollars.

For postage and expressage in office of Secretary of State, twenty-eight hundred dollars.

For contingent expenses in office of Secretary of State, three hundred dollars.

For salary of Controller, eight thousand dollars.

For salary of Deputy Controller, six thousand dollars.

For salaries of clerks in Controller's office, twenty-three thousand eight hundred dollars.

Appropriations.

For pay of porter in Controller's office, six hundred dollars.

For postage and expressage in Controller's office, one thousand dollars.

For contingent expenses in Controller's office, four hundred dollars.

For printing and engraving Controller's warrants, one thousand dollars.

For prosecution of delinquents for infractions of the revenue laws, one thousand dollars.

For salary of State Treasurer, eight thousand dollars.

For salary of clerks in State Treasurer's office, eighty-four hundred dollars.

For pay of porter in State Treasurer's office, six hundred dollars.

For postage, expressage, and contingent expenses in State Treasurer's office, six hundred dollars.

For pasting and canceling coupons in State Treasurer's office, one thousand dollars.

For salary of Attorney General, eight thousand dollars.

For salary of clerk to Attorney General, thirty-six hundred dollars.

For pay of porter in office of Attorney General, four hundred dollars.

For postage and contingent expenses in office of Attorney General, three hundred dollars.

For costs and expenses of suits where the State is a party in interest, eight thousand dollars.

For salary of Surveyor General, four thousand dollars.

For salaries of clerks in office of Surveyor General, fifteen thousand six hundred dollars.

For binding books and contingent expenses in Surveyor General's office, two hundred dollars.

For purchase of maps in Surveyor General's office, six hundred dollars.

For copying maps in Surveyor General's office, three hundred dollars.

For salary of Register of State Land Office, four thousand dollars.

For salaries of clerks in office of State Land Office, seventy-two hundred dollars.

For postage and expressage in State Land Office, five hundred dollars.

For binding books and contingent expenses in State Land Office, two hundred dollars.

For pay of porter in Surveyor General's and State Land Office, six hundred dollars.

For traveling expenses of United States Surveyor General, State Surveyor General, and Attorney General, thirty-five hundred dollars.

For pay for procuring and listing lands to the State by the United States, eight thousand dollars.

For salary of Superintendent of Public Instruction, six thousand dollars.

For salary of Deputy Superintendent of Public Instruction, thirty-six hundred dollars.

For salary of clerk in office of Superintendent of Public Instruction, three thousand dollars. Appropriations.

For postage and expressage in office of Superintendent of Public Instruction, sixteen hundred dollars.

For traveling expenses of Superintendent of Public Instruction, three thousand dollars.

For pay of porter in office of Superintendent of Public Instruction, four hundred [dollars.]

For contingent expenses in office of Superintendent of Public Instruction, four hundred dollars.

For pay for services of State Board of Examination, sixteen hundred dollars.

For traveling expenses of State Board of Education, one thousand dollars.

For books for State Normal School, one thousand dollars.

For binding documents in office of Superintendent of Public Instruction, three hundred dollars.

For salary of Insurance Commissioner, six thousand dollars.

For salary of clerk to Insurance Commissioner, thirty-six hundred dollars.

For rent of offices, printing, and contingent expenses in office of Insurance Commissioner, ten thousand dollars.

For incidental expenses of Fish Commissioners, two thousand dollars.

For salaries of members of the Board of Examiners, seven thousand dollars.

For salary of clerk to Board of Examiners, twenty-four hundred dollars.

For pay of Printing Expert to Board of Examiners, thirty-six hundred dollars.

For contingent expenses of the Board of Examiners, five hundred dollars.

For salary of Secretary of State Board of Health, five thousand dollars.

For mileage and contingent expenses of State Board of Health, three thousand dollars.

For salaries of Stamp Inspectors, three thousand dollars.

For per diem and mileage of Lieutenant Governor and Senators, fifty-two thousand dollars.

For contingent expenses of Senate, twenty-five thousand dollars.

For pay of officers and clerks of Senate, thirteen thousand two hundred dollars.

For per diem and mileage of members of Assembly, one hundred and one thousand five hundred dollars.

For contingent expenses of Assembly, twenty-five thousand dollars.

For pay of officers and clerks of Assembly, fourteen thousand dollars.

For incidental expenses of Commissioners to manage Yosemite Valley and Big Tree Grove, one thousand dollars.

For salary of Guardian of Yosemite Valley, one thousand dollars.

Appropriations.

For salary of State Librarian, six thousand dollars.

For salaries of Deputies of State Librarian, seventy-two hundred dollars.

For pay of porter of State Library, twelve hundred dollars.

For postage and expressage in State Library, eight hundred dollars.

For salary of Adjutant General, six thousand dollars.

For salary of Assistant Adjutant General, four thousand dollars.

For salary of clerks in Adjutant General's office, three thousand dollars.

For salary of Armorer in State Armory, thirty-six hundred dollars.

For postage and expressage in office of Adjutant General, four hundred dollars.

For contingent expenses, including pay of Porter, in the Adjutant General's office, six hundred dollars.

For transportation of arms, fifteen hundred dollars.

For rent of State Armory, twenty-four hundred dollars.

For salaries of Commissioners for the Revision of the Laws, six thousand dollars.

For salary of Secretary to Commission for Revision of Laws, eight hundred dollars.

For clerk for copying in office of Commission for the Revision of the Laws, eight hundred dollars.

For pay of porter for office of Commission for the Revision of the Laws, two hundred dollars.

For postage, expressage, and contingent expenses of Commission for the Revision of the Laws, four hundred and fifty dollars.

For salaries of members of the State Board of Equalization, sixteen thousand eight hundred dollars.

For salary of clerk to the State Board of Equalization, forty-eight hundred dollars.

For mileage and traveling expenses of members of the State Board of Equalization, eight thousand dollars.

For pay of porter for State Board of Equalization, six hundred dollars.

For postage, expressage, and contingent expenses for State Board of Equalization, twenty-three hundred dollars.

For salaries of Justices of the Supreme Court, sixty thousand dollars.

For salary of Clerk of the Supreme Court, eight thousand dollars.

For salary of Deputy Clerk of the Supreme Court, thirty-six hundred dollars.

For salary of Secretary of Supreme Court, six thousand dollars.

For salary of Reporter of Supreme Court, twelve thousand dollars.

For salary of Phonographic Reporter of Supreme Court, six thousand dollars.

For pay of bailiff and porter of Supreme Court, twenty-four hundred dollars.

For pay of porter for office of Clerk of Supreme Court, five hundred dollars. Appropriations.

For postage, expressage, and contingent expenses for Supreme Court, one thousand dollars.

For postage, expressage, and contingent expenses for office of Clerk of Supreme Court, two hundred and forty dollars.

For each three hundred copies of Reports of Supreme Court, two thousand dollars.

For salaries of Judges of the District Courts, two hundred and two thousand dollars.

For support of the State Prison, two hundred thousand dollars.

For transportation of prisoners to State Prison, forty thousand dollars.

For support of the Insane Asylum, four hundred thousand dollars.

For transportation of insane persons to the State Insane Asylum, thirty thousand dollars.

For repairs on the Insane Asylum, seventeen thousand six hundred dollars.

For the support of the Industrial School in the City and County of San Francisco, twelve thousand dollars.

For the support of the State Normal School, thirty thousand dollars.

For building State Reformatory or Branch Prison, one hundred thousand dollars.

For the education and care of the indigent deaf, dumb, and blind, seventy-two thousand dollars; but not more than eight thousand dollars per annum of this amount must be drawn to pay teachers.

For the care of the State Burial Grounds, six hundred dollars.

For support of Mechanics' Institute, three thousand dollars.

For the Regents of the State University, to be used for building purposes, three hundred thousand dollars.

For translating the laws of the present session into Spanish, thirty-five hundred dollars.

For printing, paper, and official advertising, one hundred and twenty thousand dollars.

For stationery, lights, fuel, blanks, books, etc., for the Legislature and State officers, forty thousand dollars.

For mileage for carrying election returns, four hundred dollars.

For mileage and expenses of Presidential Electors, one thousand dollars.

For charitable associations as follows; but no more than one half of each of the following appropriations must be drawn during the twenty-fourth fiscal year:

For the California Prison Commission, four thousand dollars.

For the Protestant Episcopal Church Home Association, twenty-four hundred dollars.

For the Magdalen Asylum of San Francisco, eight thousand dollars.

For the Howard Benevolent Association of Sacramento, six thousand dollars.

Appropriations.

For the Marysville Benevolent Association, fifteen hundred dollars.

For the San Francisco Female Hospital, ten thousand dollars.

For the Home for the Care of the Inebriate, four thousand dollars.

For the Stockton Ladies' Benevolent Association, one thousand dollars.

For the San Francisco Lying-in and Foundling Hospital, seventy-two hundred dollars.

For the California State Woman's Hospital, seven thousand five hundred dollars.

For the Protestant Orphan Asylum of Sacramento, three thousand dollars.

For the St. Joseph's Orphan Asylum of Sacramento, three thousand dollars.

For the Protestant Orphan Asylum of San Francisco, eight thousand dollars.

For the Ladies' Protection and Relief Society of San Francisco, twelve thousand dollars.

For the Good Templars' Home for Orphans at Vallejo, two thousand dollars.

For the Sisters of Mercy's Hospital, Los Angeles, two thousand dollars.

For the Roman Catholic Female Orphan Asylum of San Francisco, eight thousand dollars.

For the Boys' Orphan Asylum of San Rafael, six thousand dollars.

For the Ladies' Howard Benevolent Association of Sacramento, fifteen hundred dollars.

For the Pacific Hebrew Orphan Asylum and Home, six thousand dollars.

For Placerville Ladies' Benevolent Association, one thousand dollars.

For the support of the St. Luke's Hospital at San Francisco, one thousand dollars.

For the support of the Woman's Christian Association of San Francisco, one thousand dollars.

For support of Ladies' Benevolent Society of San José, one thousand dollars.

Report to Legislature

SEC. 2. The Trustees, Managing Agents, or Directors of the charitable institutions to which appropriations are made by this Act, must report to the Legislature of this State on or before the twentieth day of December, A. D. eighteen hundred and seventy-three, giving a detailed statement of their expenditures, respectively, together with the number of inmates who have received assistance from such charitable institution during the two years preceding such report.

Statement of expenditure.

SEC. 3. The various State officers, except the Governor, to whom appropriations other than salaries are made under the provisions of this Act, shall, with their annual report, submit a detailed statement of the manner in which all appropriations to their respective departments for rent of office, contingent expenses, or other purposes other than salaries have been

expended. No officer shall appropriate any money for any purpose unless authorized to do so by law.

CHAPTER DIX.

An Act concerning trespasses on lands in the Counties of Santa Barbara and San Luis Obispo.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All horses, mares, asses, mules, jennets, horned ^{Trespass.} cattle, sheep, goats, or hogs, found grazing, straying, or wandering on the lands of one not the owner of such animal or animals, without his consent, whether said lands be inclosed or not, shall be deemed trespassing within the meaning of this Act.

SEC. 2. It shall be lawful for the owner or occupant of any ^{Impound-} land or possessory claim who may find any one or more of the animals enumerated in section one of this Act grazing, straying, or wandering over his land, to seize, or impound, or detain said animal or animals, taking care that they shall be supplied with sufficient food and water during the time they shall be so impounded or detained.

SEC. 3. Whenever any such owner or occupant shall seize ^{Notice.} and take into his custody and possession any such animal or animals, under the authority of the last preceding section, it shall be the duty of the person impounding or detaining such animal or animals to give notice thereof, within twenty-four hours, to a Justice of the Peace of the township in which such seizure and possession shall have been taken, which notice shall designate the number and class of animals so impounded or detained, the marks and brands, if any, upon them, and in the absence of any marks or brands, a short description which shall serve to identify said animals.

SEC. 4. Such Justice shall thereupon issue a summons, ^{Summons.} returnable before him at his office at an hour to be named therein, not less than three days from its issuance, and shall deliver the same to a Constable or Sheriff of the county, who shall serve the same on the owner, if known, who shall reside in the county, and if not known, or not a resident of the county, by posting a copy thereof at the office of the Justice who issued the same, if served by a Constable, or if served by the Sheriff, at his own office. The return of the officer serving the same shall specify the time and manner of service, and whether or not the owner of such animal or animals was known or unknown, a resident or non-resident of said county. If the owner be known, and absent from his usual place of abode, or usual place of business, service of the summons may be made by leaving a

Summons. copy thereof, twelve hours before the return hour, at his usual place of abode or usual place of business. The summons shall be in the name of the people of the State of California, and shall require all owners, known and unknown, to appear before said Justice at the hour and place therein named, and show cause, if any they have, why certain animals taken up as trespassing (naming the person who took the same into custody) on the lands of (naming the owner or occupant of the land) should not be sold to pay the damage sustained from the trespassing, and the costs and expenses of the proceedings, including the keeping of the animals.

Jurisdiction.

SEC. 5. Upon the return of the summons with a return of service attached thereto, showing service thereof as in this Act provided, the Justice shall have jurisdiction of the animal or animals described in said notice, and of the owner or owners thereof, and at the hour and place specified in the summons for the return thereof shall proceed to hear proof and determine:

First—The facts whether or not such animal or animals were trespassing, within the meaning of this Act, upon the land or possession of the person impounding the same.

Second—The amount of damages sustained by the owner or occupant of the land on which the same were found trespassing.

Third—A reasonable compensation, impounding, detaining, and keeping said animal or animals.

Judgment.

And thereupon the Justice shall proceed to render judgment as follows: If the trespass was occasioned by the wrongful act of any other person than the owner, his servant, or agent, or by the unintentional neglect or default of the owner or owners of such animals, then the damage for the trespass shall be fixed at a nominal sum, not to exceed ten cents per head; but if the trespass was occasioned by the act or connivance of the owner or owners of such animals, the Justice shall, after having ascertained the actual damages sustained by the owner or occupant of the land on which the trespass was committed, proceed to render judgment for the amount of such actual damage; not, however, in any case, together with the expenses hereinafter mentioned, to exceed the sum of two hundred dollars, and together with the reasonable expense of impounding and keeping such animal or animals, together with Constable or Sheriff's fee and the fee of such Justice as provided by law in civil actions; *provided*, such judgment shall bind and be a lien upon the animal or animals adjudged to have been trespassing, and for the sale of the same, but shall not authorize execution against any other property of the owner or owners of such animal or animals.

Redemption.

SEC. 6. At any time before the sale hereinafter provided, the owner or owners of such animal or animals may pay to the said Justice the amount of the judgment and costs, and thereupon the said Justice shall issue a permit directed to the custodian of such animal or animals to allow the owner to take the same.

Execution.

SEC. 7. Upon the rendition of any judgment for damages, keeping, and costs as herein provided, said Justice shall issue an execution to the Sheriff or Constable of said county, commanding him, upon notice to be posted on the premises where

the animal or animals are impounded or detained twenty-four hours before the hour fixed for sale, to sell the same to the highest bidder at auction at such place at an hour in the notice specified, and at such time and place such officer shall sell the same one by one, or sufficient thereof to satisfy the judgment and costs together with accruing costs of the officer making the sale as provided by law in civil cases, which accruing costs shall include the expense of keeping the same from the date of judgment to the date of sale, at the same rate allowed by the Justice for keeping as specified in the judgment.

Judgment
and costs.

SEC. 8. No action shall be maintained by the owner or owners of any animals sold pursuant to the provisions of this Act to recover the same or the value thereof.

Action not
maintained

SEC. 9. In case after such execution shall be satisfied, any animal or animals specified in the notice provided for in section two of this Act shall remain unsold and unclaimed by the owner or owners, it shall be lawful for the person who shall have impounded or detained the same to retain possession thereof and provide for the keeping thereof for the period of twenty days after such sale, at the expiration of which time the person having the same in possession shall be entitled to maintain an action in equity in the District Court for the foreclosure of a lien for the expenses and costs of such keeping. Such action shall be commenced by the filing of a complaint and issuance of a summons, and if the verified complaint shall state the owner of such animals to be unknown, the summons shall be directed to unknown owners, and shall be served by posting a copy thereof on the Court House door of said county, and shall require the defendant to answer the same within twenty days after such posting. On filing the return of the Sheriff showing such posting, and at the expiration of twenty days after such posting, the Clerk of the Court shall enter default of the defendant, and whenever thereafter the Court shall be in session, the cause shall be placed on the calendar and shall be heard, tried, and determined as in other civil cases. The judgment hereinbefore provided to be rendered by the Justice of the Peace shall be conclusive evidence to said District Court that the animals specified therein were impounded or detained as trespassing upon lands of other than the owner of such animal or animals, and the Court shall render judgment for the amount of the reasonable cost and charges of keeping and detaining such animal or animals from the date of the sale first herein provided for to the rendition of judgment, and also for counsel fees at the rate of twenty per cent upon such amount and for costs of suit, and shall order the same to be sold by the Sheriff of the county to satisfy such judgment. Execution shall be issued thereon and shall be enforced as in other civil cases against personal property; *provided*, no property shall be sold thereunder except the animal or animals described in the complaint. The Sheriff, after paying and discharging all costs that shall have accrued under the provisions of this section, shall pay any surplus moneys remaining in his hands as proceeds of the sale into the Common School Fund of the county, which shall be disposed of in the same manner as other school moneys; and the receipt of the Treasurer shall be a legal discharge to said Sheriff.

Action in
District
Court.

How com-
enced.

Conclusive
evidence.

Execution.

Construction.

SEC. 10. Nothing in this Act shall be construed to prohibit persons from driving their stock along the public highways, or from watering their stock at watering places along such highways, provided such stock shall at the time being be under the actual charge of the owner or his employes.

Where in force.

SEC. 11. This Act shall be in force in the County of Santa Barbara and in that portion only of the County of San Luis Obispo embraced in the following described limits, namely: Commencing at the southeast corner of Township twenty-seven south, Range thirteen east, Mount Diablo meridian; thence following the center of the Hucra Huera Creek to its confluence with the Salinas River; thence down the center of the Salinas River to the line dividing the Counties of San Luis Obispo and Monterey; thence westerly along said dividing line between said counties to the summit of the Coast Range of mountains; thence southerly and easterly along said summit to the southeast corner of Township twenty-eight south, Range eleven east, Mount Diablo meridian; thence due west along said township line to the sea; thence along the seashore southerly and easterly to the line dividing the Counties of San Luis Obispo and Santa Barbara; thence easterly along said boundary line between said counties to the southeast corner of Township thirty-two south, Range eighteen east, Mount Diablo meridian; thence northerly to the summit of the Coast Range; thence northwesterly along the summit of said Coast Range to the southeast corner of Township twenty-eight south, Range thirteen east, Mount Diablo meridian; thence due north to the place of beginning.

Repealed.

SEC. 12. An Act entitled an Act to prevent the trespassing of animals upon private property in the Counties of Santa Barbara and San Luis Obispo and Monterey, approved February sixth, eighteen hundred and sixty-four, so far as the provisions of said Act apply to the Counties of Santa Barbara and San Luis Obispo, and all Acts and parts of Acts inconsistent with or in conflict with the provisions of this Act, are hereby repealed and made inapplicable to the Counties of Santa Barbara and San Luis Obispo.

Act not applying.

SEC. 13. This Act shall not apply to or be in force in the Towns of Santa Barbara and San Buenaventura as the boundaries of said towns are or may be defined by law.

SEC. 14. This Act shall take effect and be in force on and after the first day of April, eighteen hundred and seventy-two.

CHAPTER DX.

An Act to provide for a street railroad within the Town and County of Napa, State of California.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right is hereby granted to H. T. Barker, Franchise. John Even, A. B. Walker, John F. Zollner, and E. N. Boynton, and their associates and assigns, to construct, lay down, and maintain a street railroad within the Town and County of Napa, commencing on Main street of the Town of Napa and running along said street as far as practicable; thence by the most feasible route to the land selected by the Odd Fellows for a College and Home, about one mile west of said street, and to run cars on said road for the transportation of passengers and freight.

SEC. 2. The owners of said railroad shall keep that portion of the streets occupied by the railroad track, and two feet on each side of said track, in good order, so as not to interfere with the passage of vehicles, and shall pave, macadamize, or plank the aforesaid portions of the streets, as the proper authorities of said town and county may direct, so as to correspond with other portions of said streets; and when the road herein provided for shall intersect any other railroad, the rails of each road shall be so altered or cut as to permit the cars to cross without destruction, and nothing in this Act shall be so construed as to prevent any other railroad company hereafter formed from crossing the road herein mentioned at any point. Stipulations.

SEC. 3. The rate of fare on said railroad shall not exceed Fare. fifteen cents for each passenger for the whole distance, nor ten cents for one half the said distance.

SEC. 4. Any person willfully obstructing the said railroad shall be deemed guilty of misdemeanor and punished accordingly. Misdemeanor.

SEC. 5. The franchises and privileges herein granted shall continue for the period of twenty-five years from and after the passage of this Act; *provided*, that said road shall be constructed and equipped and in running order within three years after the passage of this Act. Term of franchise.

CHAPTER DXI.

An Act concerning the assessment of animals.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Assessment
of animals
tempo-
rarily
pasturing
in any
county.

SECTION 1. Whenever any person residing in any county of the State, and owning any neat cattle, horses, mules, sheep, or goats therein, shall drive the same from the county where he resides into any other county, for the purpose of temporarily pasturing the same, all such animals shall be assessed in and for the county where such owner resides, although the said animals shall not be at the time of said assessment in said county in which he may so permanently reside; and such owner shall include such animals in his assessment list, and the Assessor of the county where such stock are so temporarily grazed shall list the same, with a full description of each kind and the number of the same; and for the purpose of making such list, the Assessor shall have power, and it is hereby made his duty, to examine on oath the person or persons owning or having charge of such cattle, horses, mules, sheep, or goats touching their number, ownership, and to whom and in what county, if any, they have been assessed for taxation. The list made out as aforesaid by the Assessor, together with a full statement of the same, shall be signed and sworn to by the person or persons owning or having in charge such stock.

Duties of
Assessors
and
Treasurers.

SEC. 2. The Assessor shall file a copy of said list of such stock with the County Treasurer of his county, and another copy with the Treasurer of the county in which the said stock was first listed and assessed for taxation. Upon filing the lists aforesaid, with the sworn statement therein that the stock specified in said lists has been pastured or used in the county mentioned therein during the grazing season, with the Treasurer of the county in which it was assessed for taxation, said Treasurer shall pay, on the order of the Treasurer of the county in which the stock was so pastured or used, one half of the amount of taxes paid in on the said stock, less the cost of collection.

SEC. 3. All Acts or parts of Acts in conflict with this Act, so far as they are in conflict with this Act, are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER DXII.

An Act in relation to certain officers in Tehama County.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salary of the District Attorney of Tehama County shall be twelve hundred dollars. District Attorney.

SEC. 2. The County Clerk of the County of Tehama is hereby authorized to appoint a Deputy at a salary of fifty dollars per month, payable out of the County Treasury as the salaries of other county officers are paid. County Clerk.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER DXIII.

An Act to provide for the payment of deficiency in the office of Superintendent of Public Instruction.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two hundred and sixty-five dollars is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, to pay the deficiency needed for stationery, lights, fuel, and traveling expenses, in the Department of Superintendent of Public Instruction during the fiscal year ending June thirtieth, A. D. eighteen hundred and seventy-two. Deficiency appropriation.

SEC. 2. Upon demand by the Superintendent of Public Instruction, the State Controller shall draw his warrant on the State Treasurer for said amount herein appropriated, payable out of the General Fund; and the State Treasurer is directed to pay such warrants out of said Fund. Payment.

SEC. 3. This Act shall take effect immediately.

CHAPTER DXIV.

An Act relating to the salary and duties of the Assessor of Tehama County.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary of
Assessor.

SECTION 1. The annual salary of the Assessor of Tehama County shall be one thousand dollars for the assessment of the county's proportion, payable in like manner and at like times as the salary of the County Judge of said county; and his compensation as collector of road, poll, and hospital tax shall be fifteen per cent on the amount collected; *provided* further, that the Assessor shall be collector of personal property tax of persons owning no real estate in the county, for which service he shall receive the percentage allowed by law.

Collector.

Deputies.

SEC. 2. The Board of Supervisors of said Tehama County shall designate what number of Deputy Assessors may be appointed, and they shall receive a sum not exceeding five dollars per day for each day they actually and necessarily attend to the duties of the office; *provided*, however, that no Deputy Assessor shall be paid by said county for any service rendered between the first Monday in July and the first Monday in the following March.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DXV.

An Act to change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of
office.

SECTION 1. Members of the Board of Supervisors shall hold their office for the term of three years, except as hereinafter provided. There shall be chosen at the general election for State and county officers, on the first Wednesday of September, eighteen hundred and seventy-three, in the County of Del Norte, by the qualified electors thereof, one Supervisor for each Supervisor district in said county, who shall hold their offices as follows: District Number One, until the first day of January, eighteen hundred and seventy-four; District Number Two, until the first day of January, eighteen hundred and seventy-

five, and District Number Three, until the first day of January, eighteen hundred and seventy-six.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

CHAPTER DXVI.

An Act to adjust the accounts of Swamp Land District Number Eighteen, in the Counties of Yolo and Solano.

[Approved March 30, 1872.]

WHEREAS, Claimants of land in Swamp Land District Number Eighteen, in the Counties of Yolo and Solano, have at various times paid large sums of money for interest accumulated on said lands; and it appearing that said sums of money have not been credited to said District Fund on the books in the office of the Controller, as contemplated by law, now, therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby requested and directed to credit Swamp Land District Number Eighteen, in the Counties of Yolo and Solano, on the books in his office, with the sum of fifteen thousand and seventy-seven dollars and forty-eight cents, the same being assets derived from interest on lands in said swamp land district and paid into the State Treasury since the first day of May, A. D. eighteen hundred and sixty-four.

Preamble.
Controller of State to credit interest.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DXVII.

An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Section 4. On the third Monday in March, A. D. eighteen hundred and seventy-four, and every two years thereafter, a charter election shall be held, at which the legally qualified

Biennial charter election.

Officers
appointed.

electors of said city residents thereof shall elect seven Trustees, a City Treasurer, City Assessor, City Marshal who shall be ex officio Tax Collector, and City Surveyor, who shall hold their offices for the term of two years and until their successors are duly elected and qualified. The Board of Trustees shall appoint all other officers provided for in this Act, and shall fix the compensation to be allowed all officers, other than Trustees, for their services.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DXVIII.

An Act amendatory of an Act entitled an Act to organize and regulate the Justices' Court of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Court and
jurisdiction

Session to
be con-
tinuous.

Court in
bank.

Organiza-
tion.

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

[Section 1.] There shall be, in and for the City and County of San Francisco, one Justices' Court, which shall have the powers and jurisdiction now prescribed and conferred by law upon Justices of the Peace and Justices' Courts in said city and county. All actions, suits, and proceedings whereof Justices of the Peace and Justices' Courts in said city and county have jurisdiction shall be commenced, entitled, and prosecuted in said Court. The said Court shall be always open, non-judicial days excepted, and causes therein may be tried before the presiding Justice, before any one of the Justices before whom the original process may be made returnable or to whom the cause may be assigned or transferred for trial, or before any three Justices of the Peace constituting the Court in bank as hereinafter provided; but the Court in bank shall have exclusive power to hear and determine all applications for new trials. In case of sickness or other disability or necessary absence of a Justice of the Peace (on the return of a summons or at the time appointed for trial) to whom a cause has been assigned, the presiding Justice shall reassign the cause to some other Justice, who shall proceed with the trial and disposition of said cause in the same manner as if originally assigned to him. For the organization of said Court, Justices of the Peace and a Justices' Clerk shall be respectively elected and appointed, and the Sheriff of the City and County of San Francisco ex officio shall be an officer of said Court as hereinafter provided.

SEC. 2. Section three of this Act is hereby amended so as to read as follows:

Section 3. The Board of Supervisors shall biennially appoint one of the Justices of the Peace to be presiding Justice, who, as such, shall hold office for two years and until his successor shall in the same manner be appointed, and any one of the other Justices may attend, preside, and act as presiding Justice during the temporary absence or disability of the Justice so appointed. The Board of Supervisors shall also appoint a Justices' Clerk, on the written nomination and recommendation of said Justices, or a majority of them, who shall hold office for two years, and until his successor is appointed and qualified. The Clerk shall take the constitutional oath of office, and give bond with at least two sufficient sureties, to be approved in the same manner as the official bond of other officers of the City and County of San Francisco, in the sum of ten thousand dollars, payable to the City and County of San Francisco, conditioned for the faithful discharge of the duties of his office, and well and truly to account for and pay into the Treasury of said city and county, as required by law, all moneys by him collected or received and by law designated for that use. A new or additional bond may be required by the Mayor, Auditor, and County Judge, or any two of them, whenever they may deem it necessary, and on failure to furnish such new and additional bond within three days after it shall be required, the office shall become vacant. The Justices' Clerk shall have authority to administer oaths and take and certify affidavits in any action, suit, or proceeding in said Justices' Court, and to appoint a Deputy Clerk, for whose acts he shall be responsible on his official bond, the said Deputy Clerk to hold office during the pleasure of said Clerk.

Biennial
appoint-
ment of a
Justice.

Clerk.

Official
oaths and
bonds.

Additional
bonds.

Deputy
Clerk.

SEC. 3. Section nineteen of said Act is hereby amended so as to read as follows:

Section 19. The Justices of the Peace and Justices' Clerk and Justices' Clerk's deputy shall receive for their official services the following salaries, and no other compensation, payable monthly out of the City and County Treasury, and out of the Special Fee Fund, after being first allowed and audited as other similar demands are by law required to be allowed and audited: to the Presiding Justice, three thousand dollars per annum; to the Justices' Clerk and each of the Justices of the Peace (the Presiding Justice excepted), twenty-four hundred dollars each per annum, and to the Justices' Clerk's deputy the sum of twelve hundred dollars per annum.

SEC. 4. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall take effect from and after its passage.

CHAPTER DXIX.

An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte, approved March thirty-first, A. D. eighteen hundred and sixty-six.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Road
Overseers.

Terms of
office.

To be
appointed
by the
Supervisors

Section 2. Road Overseers for the several road districts in the County of Del Norte shall be elected at the general election for the year eighteen hundred and sixty-seven, and every two years thereafter. They shall hold their offices for a term of two years from and after the first Monday in November next, after their election, and the Road Overseers for the several road districts who were elected at the general election for the year eighteen hundred and sixty-five shall serve in that capacity until their successors are elected [and] qualified; and the Board of Supervisors shall fill by appointment any vacancies that may occur in the office of Road Overseer in any road district in said county. Road Overseers for the several road districts in the County of Klamath shall, after the expiration of the terms of the present incumbents, be appointed by the Board of Supervisors of said county, and shall hold office for the term of two years from and after the first Monday in November after their appointments; and it shall be the duty of the Board of Supervisors at their regular term in November, A. D. (1873) eighteen hundred and seventy-three, and every two years thereafter, to appoint Road Overseers for the several road districts in said county, and shall, when any vacancy occurs in the office of Road Overseer in any district, fill the same by appointment.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAPTER DXX.

An Act to fix the terms of the County Court of the County of Monterey.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of
Court.

SECTION 1. The terms of the County Court of Monterey County shall be held on the first Monday of March, May, July, September, and November of each year.

SEC. 2. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DXXI.

An Act granting certain privileges to the North Beach and Mission Railroad Company.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the North Beach and Mission Railroad Company, the assignee of the franchises hereinafter mentioned, to lay and complete the several railroads which it is authorized to construct, equip, and maintain in the City and County of San Francisco under the franchises granted by the Acts entitled as follows: an Act to provide for street railroads within the City and County of San Francisco, approved April the seventeenth, eighteen hundred and sixty one; and an Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon, approved April the seventeenth, eighteen hundred and sixty-one; and by the several Acts amendatory of and supplementary to said Acts, and each of them, is hereby extended for the period of two years from and after the first day of September, eighteen hundred and seventy-two. And the right of said company to construct and maintain its tracks, as now laid down, and all of its roads as defined in any of said Acts, is hereby ratified and confirmed; *provided*, the extension of time hereby granted shall not be construed to impair the rights of any other street railroad franchise heretofore granted.

Extension
of time to
street
railroad
companies.

Ratifica-
tion and
confirma-
tion.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DXXII.

An Act in relation to moneys belonging to the State derived from taxes assessed on mortgages.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Money
derived
from
taxing
mortgages
given to the
various
counties.

SECTION 1. All moneys belonging to the State now in the hands of Tax Collectors, which were received as taxes on promissory notes secured by mortgage assessed and collected in the years eighteen hundred and seventy and eighteen hundred and seventy-one, and all moneys that may be derived from taxes now delinquent, which were assessed on promissory notes secured by mortgage in the years eighteen hundred and seventy and eighteen hundred and seventy-one, are hereby directed to be retained for the use of the several counties which levied such taxes. The Tax Collectors of the several counties in which such property was assessed are authorized and required to pay over all such moneys to the County Treasurer in the same manner as other taxes are paid.

General
Fund.

SEC. 2. All moneys which by this Act are remitted to the several counties in which such assessments were made shall be placed to the credit of the General Fund.

SEC. 3. All laws and parts of laws inconsistent with this Act are hereby repealed.

SEC. 4. This Act shall be in force from and after its passage.

CHAPTER DXXIII.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the improvement of Washington Plaza, in said city and county.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority
given.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate and order paid out of the General Fund of said city and county the sum of fifteen hundred dollars, for the improvement of Washington Plaza, in said city and county.

City officers

SEC. 2. The Auditor of said city and county is hereby authorized to audit, and the Treasurer thereof to pay, the sum appropriated by said Board of Supervisors under authority of this Act.

CHAPTER DXXIV.

An Act to authorize the Board of Supervisors of Trinity County to levy a special tax for surveying purposes.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Trinity County may, ^{Special tax} at their regular term in May, eighteen hundred and seventy-two, levy a special tax, not to exceed twenty-five cents on each one hundred dollars of all the taxable property of said county, for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three. Said tax shall be collected at the same time and in like manner as other taxes are collected for county and State purposes.

SEC. 2. Said tax shall be made a special Fund, to pay for a ^{Special} survey to be made between the Counties of Trinity and Hum- ^{Fund.} boldt, and the Counties of Trinity and Mendocino.

SEC. 3. Should any part of said Fund remain after payment ^{Surplus.} of said survey, it shall be placed in the General Fund of Trinity County.

CHAPTER DXXV.

An Act to amend an Act entitled an Act to grant Guillermo Carillo, and his assigns, the right to supply the inhabitants of the Town of Santa Barbara with fresh water, approved May third, eighteen hundred and sixty-one.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby repealed. Repealing.

SEC. 2. This Act shall take effect immediately.

CHAPTER DXXVI.

An Act to prevent hunting and shooting on private grounds in the City and County of San Francisco.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Unlawfully
killing
game.

SECTION 1. It shall not be lawful for any person or persons to enter any inclosure belonging to or occupied by another, in the City and County of San Francisco, for the purpose of hunting or to shoot, kill, or destroy any kind of game, without having first obtained permission from the owner or agent of such inclosure.

Misdemeanor.

SEC. 2. Any person who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor, and shall be punished upon conviction by a fine of not less than twenty-five dollars nor more than one hundred dollars, or imprisonment in the County Jail not to exceed sixty days, or by both such fine and imprisonment, and jurisdiction of such offenses is hereby vested in the Police Judge's Court in said city and county.

CHAPTER DXXVII.

An Act to authorize the Trustees of Red Bluff School District, in Tehama County, to borrow money for the maintenance of the public schools therein.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Trustees to
borrow
money.

SECTION 1. The Board of Trustees of Red Bluff School District, in Tehama County, are hereby authorized and empowered to borrow such sums of money, not exceeding the sum of two thousand dollars, at a rate of interest not exceeding one and one half per cent per month, as may be necessary for the maintenance of the public school in said district for a term not exceeding eight months from January first, eighteen hundred and seventy-two.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER DXXVIII.

An Act to authorize the conveyance of a certain lot of land in the City and County of San Francisco to the San Francisco Ladies' Protection and Relief Society.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby empowered to authorize the Mayor of said city and county to execute on behalf of said city and county, a deed to the San Francisco Ladies' Protection and Relief Society of a certain lot reserved for said society, being part of block eighty-nine of outside lands, to be held in trust for the said city and county, described as follows, to wit: Beginning on easterly line of Nineteenth Avenue, two hundred and twenty-five feet northerly from northerly line of California street; thence northerly, along said line of Nineteenth Avenue, one hundred and fifty feet; thence easterly at right angles, two hundred and forty feet, to west line of Eighteenth Avenue; thence southerly along said line of Eighteenth Avenue, one hundred and fifty feet; and thence westerly two hundred and forty feet, to the beginning, being part of block eighty-nine.

Convey-
ance.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DXXIX.

An Act to authorize John Ram or S. C. Long, of Yuba County, State of California, to remove certain remains of deceased persons.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for John Ram or S. C. Long, of Yuba County, State of California, to remove the remains of all deceased persons buried in a graveyard at or near Foster's Bar, in said county and State, on land belonging to the State, to a public graveyard about seven miles distant, in said county and State, on or after the first day of April, eighteen hundred and seventy-two; *provided*, however, that the friends of said deceased shall not have removed the said remains before that time.

Removal
of human
remains.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DXXX.

An Act to authorize Isaac Bluxome to remove from his private property, on the Rancho de Mircelacon, in Sonoma County, State of California, certain dead bodies to a public graveyard..

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Removal
of human
remains.

SECTION 1. It shall be lawful for Isaac Bluxome to remove the bodies of all deceased persons now buried on the grounds belonging to said Isaac Bluxome to a public graveyard, on or after the first day of November, A. D. eighteen hundred and seventy-two; *provided*, however, that the friends of said deceased persons shall not have removed the said bodies before that time.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DXXXI.

An Act the better to define the boundaries between the Counties of Humboldt, Mendocino, Trinity, and Klamath.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Commis-
sion of
Survey.

SECTION 1. The Board of Supervisors of each of the Counties of Humboldt, Mendocino, Trinity, and Klamath are authorized and empowered, on or before the first day of July, in the year eighteen hundred and seventy-two, to appoint a Commission of Survey to act in conjunction for the purposes hereinafter named.

Meeting.

SEC. 2. The Commission of Survey must meet together at the Town of Arcata, in the County of Humboldt, on the first day of August after their appointment, or on such other day thereafter as any three of them may designate, take the oath of office, and by a majority vote select a competent Surveyor to run out, mark, and define by proper monuments the boundary lines between the respective counties in accordance with the boundaries as now designated by statute.

Contract.

SEC. 3. The Commission must make with the Surveyor selected a contract for running, defining, and marking with proper monuments each line, at a compensation not to exceed the sum of thirty dollars per mile, the Surveyor bearing all necessary expenses.

Monu-
ments.

SEC. 4. The Surveyor selected and contracted with must accurately run, thoroughly mark, and place monuments on the

line between Mendocino County and the Counties of Humboldt and Trinity, running east and west, and the line between Humboldt and Trinity, north and south, and the line between Humboldt and Klamath, running east and west, and map and report the same to the Board of Supervisors of each of the counties.

SEC. 5. The expense of running the line between Trinity and Mendocino must be paid by the respective counties, each paying one half thereof. The expense of running the line between Mendocino and Humboldt must be paid by the respective counties, each paying one half thereof; and the expense of running the line between Trinity and Humboldt must be paid by the respective counties, each paying one half thereof; and the expense of running the line between Humboldt and Klamath must be paid by the respective counties, each paying one half thereof.

Expense,
how paid.

SEC. 6. The Commission are to receive, in going from the county seat of their respective counties to the Town of Arcata and returning, the same mileage that the Sheriff of their respective counties receive for serving a summons, and five dollars for each day, not exceeding five, he remains at the Town of Arcata on the business of the Commission, to be paid by the county on behalf of which he is a Commissioner.

Compensa-
tion.

SEC. 7. The Commission must, by advertisement and personal notices, request bids for the contracts from practical Surveyors. Any contract made by any three (3) of the Commissioners binds all the counties for their respective portions of the contract, whether represented in the Commission or not. Three (3) of the Commission meeting and acting on the first day of August, eighteen hundred and seventy-two, or on any day thereafter agreed on by them, are authorized to make the contract for the survey.

Advertis-
ing for bids.

SEC. 8. The contract must be placed in writing; four (4) copies to be made and signed, and each Commissioner must file one in the office of the County Clerk of his respective county.

Filing of
contract.

SEC. 9. At the time of letting the contract the Commissioners must require bonds of the Surveyor contracted with to faithfully perform the service, and fix the time when the same must be completed, and fix a maximum which the expense of the survey must not exceed, and specify the character of the monuments to be fixed and of the report to be made.

Bond.

SEC. 10. The lines run out, marked, and defined as required by this Act are hereby declared to be the true boundary lines of the counties named herein.

Boundary
lines.

SEC. 11. This Act takes effect on its passage.

CHAPTER DXXXII.

An Act supplementary to the Act of April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Powder
license tax.

- SECTION 1. Instead and in lieu of the powder license tax imposed by the seventy-fifth section of the Act of April twenty-fifth, eighteen hundred and sixty-three, the title of which is recited in the title of this Act, there shall hereafter be levied, charged upon, and collected from every person, firm, company, and corporation keeping, storing, or selling, within the limits of the City of Sacramento, gunpowder, blasting powder, or explosive material of any kind used for blasting purposes, a license tax as follows: every person, firm, company, and corporation keeping, storing, or selling powder or material aforesaid, from broken packages or original packages not exceeding one pound each, two dollars per quarter year; *provided*, however, that such person, firm, company, or corporation does not keep on hand or have within the city limits, at any one time, a greater amount in the aggregate than twenty-five pounds of powder and other explosive material used for blasting purposes. Every other person, firm, company, and corporation keeping, storing, or selling such powder or material within
- the city limits shall pay a license tax of five dollars per quarter year.

To be paid
quarterly.

SEC. 2. The license tax imposed by this Act shall be paid quarterly in advance, and shall be collected and appropriated in the manner prescribed in the aforesaid section seventy-five of the Act of April twenty-fifth, eighteen hundred and sixty-three.

SEC. 3. This Act shall take effect the thirty-first day of March, eighteen hundred and seventy-two.

CHAPTER DXXXIII.

An Act making an appropriation for translating into Spanish the several State documents and reports ordered during the present session of the Legislature.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A sum not exceeding seventeen hundred dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay for translating into Spanish the several State documents and reports ordered during the present session of the Legislature. The account for said translations shall be audited by the State Board of Examiners, and the Controller shall issue his warrants for the payment of the sum found due by said Board for such translations. Appropriation.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DXXXIV.

An Act to authorize the Board of Supervisors of Plumas County to complete the Red Clover Valley Wagon Road.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. At the Presidential election in eighteen hundred and seventy-two the Board of Supervisors of Plumas County must submit to the electors the proposition to complete the Red Clover Valley Wagon Road, and must, at the same time, prescribe the mode of voting for or against the proposition. Red Clover Valley Wagon Road.

SEC. 2. If the majority of the votes are for the completion of the road, the Board of Supervisors are then empowered and directed to complete the road leading from Indian Valley, via Red Clover Valley, to the county line; provided that a sum not greater than ten thousand dollars will complete the same.

SEC. 3. The road must be constructed at least twelve feet wide, with good and sufficient turnouts for wagons, and upon a grade not to exceed twelve inches to the rod at any point, the same to be completed on or before the first day of September, Anno Domini one thousand eight hundred and seventy-three. Construction.

SEC. 4. The work on said road may be done by contract, or under the immediate control and direction of the Board of Supervisors to direct.

Supervisors, as said Board may deem best. Upon the completion of the road provided for in this Act, the Board of Supervisors may establish, or authorize some private person to establish, toll gates at some point on said road, and collect, or authorize some private person to collect, such tolls as will keep said road in good repair. And the said Board are hereby empowered and directed to have the said road kept in good traveling order.

Bond
Commis-
sioners.

Issue
bonds.

SEC. 5. To enable the Board of Supervisors to construct and repair said road, the said Board shall, by order, direct their Chairman, in conjunction with the Auditor and Treasurer of said county, who for the purposes of this Act, in addition to their other duties as such officers and their successors in office, shall constitute a Board of Commissioners, to be styled "The Bond Commissioners" of said county, as such Bond Commissioners to issue bonds from time to time as may be required to the amount of ten thousand dollars, of a denomination of not less than one hundred nor more than one thousand dollars. The principal of said bonds shall be made payable on a specified day to be named in said bonds, which day shall be ten years from the date of their issuance. Said bonds shall draw interest at the rate of seven per cent per annum from the date of their issue, and said interest shall be made payable on a specified day, to be named in coupons, which payments shall be annual, and both the principal and interest shall be made payable in United States gold coin, at the office of the County Treasurer of Plumas County. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor and Treasurer of said county, as such officers and ex officio Bond Commissioners, and when so signed, shall be presented by the Chairman of the Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board, at a meeting thereof. And it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered in a book, to be kept for that purpose, together with the number, date, and amount of each bond so countersigned by such Clerk; and it shall then be the duty of the Board of Supervisors to cause the seal of said county to be affixed to each bond so issued. The Board of Supervisors shall then sell or otherwise dispose of said bonds, to enable them to complete said road.

Interest
coupons.

Canceled.

SEC. 6. Coupons for the interest shall be attached to each of the bonds issued under the provisions of this Act, so that the same may be detached without mutilation to the bond; said coupons shall be signed by the Bond Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, indorse the word "Canceled" on the backs thereof, and deliver the same to the County Clerk of said county, taking his receipt therefor, whose duty it shall be to file the same in his office and make a report thereof at the next meeting of the Board of Supervisors.

Red Clover
Bond
Interest
Tax.

SEC. 7. It shall be the duty of the Board of Supervisors of Plumas County for the year eighteen hundred and seventy-three, and for each year thereafter so long as the said bonds

shall be outstanding and unpaid, to levy a tax to be styled "Red Clover Bond Interest Tax," sufficient to raise the amount of interest required to be paid each year on the bonds issued under the provisions of this Act, and they shall at the same time, so long as the said bonds are outstanding and unpaid, levy a tax, not exceeding fifteen cents, which in their judgment shall be sufficient to carry out the provisions of this Act, on each one hundred dollars worth of taxable property in said county, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled "Red Clover Bond Fund." The said taxes shall be levied and collected in the same manner as the general taxes, and when collected shall be paid unto the County Treasurer, who shall place the former in the Interest Fund named above, and the second into the Bond Fund aforesaid, to be paid out by him at the order of the Bond Commissioners of said county, as follows:

Red Clover
Bond Fund

First—The Interest Fund to the payment of the interest falling due on said bonds;

Second—The Bond Fund to the redemption of said bonds, as hereinafter provided.

SEC. 8. Should there be collected as such interest tax a sum greater than is required to pay the annual interest on said bonds issued under the provisions of this Act, then the said Bond Commissioners shall, on the first Monday in February in each year, pass over such surplus into the said Bond Fund.

Surplus.

SEC. 9. It shall be the duty of the Bond Commissioners to make arrangements for the payments of the interest on said bonds when the same falls due, at least thirty days before the time of payment; and in the event said Interest Fund is insufficient the said Treasurer shall draw on the General Fund of said county for such purpose, and pay out the same at the order of said Bond Commissioners; and in the event that the General Fund proves inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the county.

Duty of
Commissioners.

SEC. 10. Whenever at any time there shall be in said Bond Fund a sum of money amounting to one thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper published in said county, for a space of four weeks, for sealed proposals for the redemption of said bonds, and ten days from the expiration of the time of such publication the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Bond Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and *provided*, should there be no proposals made for less than par value, then the payment of said Bond Fund on hand shall be made on said bonds according to the number of their issue and date, of which number and date of the bonds to be paid the said Commissioners shall give four weeks notice by publication, after which time such bonds shall cease to draw interest; and *provided* further, whenever there shall be sufficient moneys in such Bond Fund for the extinguishment of all

Redemption.

the bonds outstanding issued under this Act, it shall be the duty of the said Commissioners to advertise in like manner, for a space of four weeks, for the redemption of all the outstanding bonds issued as aforesaid, after which time said bonds shall cease to draw interest. Any moneys remaining in said Bond Fund after the redemption of all of said bonds shall go into the General Fund of said county.

Cancellation.

SEC. 11. Whenever any bonds shall have been redeemed by order of the said Commissioners, the Treasurer shall mark the same "Canceled," over his signature as Treasurer, and immediately deliver the same to the County Clerk, taking his receipt therefor; and the said Clerk, upon the receipt of such canceled bonds, shall file the same in his office.

Statement of Auditor.

SEC. 12. The County Auditor of Plumas County shall keep an account of the Interest Fund and of the Bond Fund above provided for, the same as of other Funds in the County Treasury, and shall furnish to the Bond Commissioners a statement of the same, on the first Mondays of January, April, July, and October of each year.

Liabilities and compensation of Commissioners.

SEC. 13. The said Commissioners, and all other officers herein specified for the performance of their duties under the provisions of this Act, shall in all things herein required of them be subject to all the liabilities and penalties to which they are subject for a failure to perform any other of the duties of their respective offices, and they shall be allowed by the Board of Supervisors a reasonable compensation for their services under the provisions of this Act, to be paid out of the General Fund of said County; and the Board of Supervisors may and are hereby directed to require of each of said Commissioners such bonds for the faithful performance of their duties herein as may by said Board be deemed proper, not to exceed the sum of five hundred dollars to each of said Commissioners.

Bonds.

SEC. 14. This Act shall take effect and be in force from and after its passage.

CHAPTER DXXXV.

An Act authorizing the Board of Supervisors of the City and County of San Francisco to provide suitable rooms, attendants, fuel, lights, and stationery for the Third and Nineteenth District Courts, in and for the City and County of San Francisco and the County of Alameda.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Rooms and conveniences for certain Courts.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby empowered to provide suitable and sufficient rooms, attendance, furniture, fuel, lights, and stationery for holding the District Courts of the Third and Nineteenth Judicial Districts, in and for said city and county, and the

expenses thereof shall be paid by the Treasurer of said city and county, after having been audited by the Auditor thereof, from the General Fund of the county.

SEC. 2. This Act shall take effect immediately after its passage.

CHAPTER DXXXVI.

An Act to enable the City and County of San Francisco to conform to so much of the Political Code as relates to the public revenue.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In order to enable the City and County of San Francisco to conform to so much of the Political Code as relates to the public revenue, the Board of Supervisors of said city and county shall be and hereby is authorized and empowered by ordinance to cause to be issued and sold as hereinafter provided the bonds of said city and county for a sum not exceeding nine hundred thousand dollars, said bonds to be known as the "San Francisco Temporary Revenue Bonds."

SEC. 2. Said bonds shall be issued in sums of one thousand dollars each, and shall draw interest from the date thereof until maturity at the rate of six per cent per annum, principal and interest payable in United States gold coin, at maturity, at the office of the Treasurer of said city and county. The principal sum of said bonds shall be made payable at such date or dates as shall be fixed by the Board of Supervisors, not exceeding twenty years after the date of issue. The interest accruing on said bonds shall become due and be payable in like gold coin semi-annually at the office of said Treasurer, on the second Mondays in July and January in each year. Said bonds shall be signed by each the Mayor, the Auditor, and the Treasurer of said city and county, who shall ex officio constitute a Board of Revenue Fund Commissioners; but before being so signed, the same shall be presented by the Mayor to the Clerk of the Board of Supervisors of the said city and county, which Clerk shall number and register the same in numerical order in a book to be kept for that purpose, showing the date of each bond; and said Clerk shall thereupon deliver the same to the Mayor, who shall sign each bond and affix thereto the corporate seal of said city and county, and deliver said bonds to the Auditor, who shall in like manner sign the same and deliver them to the Treasurer of said city and county, whose duty it shall be to sign the same; and in manner as is herein provided for registration by the Clerk of the Board of Supervisors the said Treasurer shall register said bonds. The Auditor shall take from the Treasurer a receipt for all such bonds so delivered.

San
Francisco
Temporary
Revenue
Bonds.

Interest.

Revenue
Fund Com-
missioners.

Coupons.

SEC. 3. Coupons for the interest on each such bond shall be attached thereto, which coupons shall be signed by said Treasurer. When any such coupon shall be paid, it shall be the duty of said Treasurer, without delay, to cancel the same; and all such canceled coupons shall be delivered to the Auditor by the Treasurer, who shall take a receipt therefor; and it shall be the duty of the Auditor to file the same in his office substantially in the same manner now and latterly observed for filing canceled coupons by said Treasurer, which filing shall be by attaching said canceled coupons in the numerical order of the bonds, and in numerical order of the coupons, to a blank or scrap book to be kept for that purpose, and known as the "Record of Canceled San Francisco Temporary Bonds and Coupons." Said bonds, when paid, shall be immediately canceled by the Treasurer, and in like manner delivered to the Auditor to be filed and attached in numerical order in said "Record," each immediately over the canceled coupons which were detached from said bonds, so that each bond with its coupons shall appear as near as may be as originally issued. The interest on all such bonds shall terminate at the maturity of the bonds respectively.

Proposals.

SEC. 4. The said bonds shall be sold, from time to time, in such sums as may be deemed by the said Commissioners necessary for the accomplishment of the purposes of this Act. Before any such bonds shall be sold, the said Commissioners shall advertise in three daily newspapers published in said city and county, for sealed proposals for the purchase thereof, such advertisements to continue not less than thirty days prior to the time named in said advertisements for receiving such proposals, which proposals, at the time designated in such advertisements, shall be publicly opened by the said Commissioners at the Treasury of said city and county, when the said Commissioners shall then and there award the purchase of the bonds so advertised for sale to the party or parties offering to pay therefor the largest amount in United States gold coin; *provided*, none of said bonds shall be sold for less than ninety cents in such gold coin for each dollar of the face or par value thereof; and *provided* further, the said Commissioners shall be, and they hereby are, authorized and empowered to reject any or all proposals for the purchase of such bonds as they may deem the public good to require. All moneys received from the sale of such bonds shall be by the Treasurer apportioned for municipal purposes to the several Funds in the same manner as has been observed for the apportionment of the moneys received for municipal taxes for the fiscal year ending June thirtieth, Anno Domini eighteen hundred and seventy-two.

Revenue
Interest
Tax.

SEC. 5. For the purpose of paying the bonds herein provided for, and the interest thereon, it shall be the duty of the Board of Supervisors of said city and county, in each year, to levy a tax, to be styled "Revenue Interest Tax," sufficient to raise the amount of interest to be paid on such bonds during each year, and annually until maturity of such bonds. The said Board of Supervisors shall also levy such a tax as the said Fund Commissioners shall determine to be requisite, for the purpose of raising funds for the liquidation of said bonds at maturity,

which Fund shall be styled the "Revenue Loan Fund." The said taxes shall be levied and collected in the manner provided by law for the general taxes for municipal purposes; and when collected, shall in like manner be paid to the Treasurer, who shall account for, and, on demand, deliver the same to the said Revenue Fund Commissioners, to be by them from time to time invested as herein provided, and to be finally applied in payment of said bonds.

SEC. 6. The said Commissioners are hereby required annually to solicit proposals for the surrender of bonds issued by virtue of this Act, by advertising for at least thirty days next preceeding the first day of January in each year, in three daily newspapers published in said city and county. The said Commissioners shall publicly open all bids received by them at the time and place mentioned in such advertisement, and shall apply the funds on hand for such purpose towards the payment of the bonds mentioned in said bids, giving preference to the bonds offered at the lowest per centum upon their par value, but in no case shall any bid above par value be accepted. The said Commissioners shall always reserve, in such advertisements, the right to reject any and all proposals for the surrender of such bonds. In case a sufficient amount of such bonds shall not be offered as aforesaid to exhaust the Revenue Loan Fund to a less amount than five thousand dollars, then it is hereby made the duty of the Fund Commissioners to advertise in two newspapers published in the City and County of San Francisco, for two months, which advertisement shall state the amount in the Revenue Loan Fund, and the numbers of bonds, commencing with the lowest number then outstanding and numbering them in the order of their issue, which such money is set apart to pay and discharge, and if such bonds so numbered in such advertisements shall not be presented for payment and cancellation within one month from the expiration of such publication, then such money shall remain in the Treasury to discharge such bonds whenever presented, but they shall draw no interest after the end of thirty days from the last publication as aforesaid.

SEC. 7. The faith and credit of the City and County of San Francisco are hereby pledged for the redemption of the bonds provided for by this Act, and for the payment at maturity of the interest coupons thereto attached.

SEC. 8. This Act shall take effect immediately.

Fees of
Sheriff of
City and
County of
San
Francisco.

each day, three dollars, to be paid by the Controller on the certificate of the Clerk, and paid out of the State Treasury.

For executing every sentence of death, twenty dollars.

In all cases where a keeper is required by either the plaintiff or defendant to take charge of property seized on attachment, execution, or other process, the Sheriff shall be allowed and be paid by the party requiring such keeper the sum of three dollars per day as a compensation for such keeper; and in case no keeper is required, then the Sheriff shall be allowed to charge, collect, and retain to his own use such sums of money as he shall reasonably and necessarily incur and disburse in the taking, keeping, preserving, removing, and storing any property so seized as aforesaid; and he shall not be required to release or redeliver said property until all such expenses are refunded. The Sheriff shall also be allowed to retain the mileage provided for in this Act to cover the traveling and other expenses of himself and deputies in the discharge of their official duties; *provided*, no mileage shall be charged by him for any services performed for the City and County of San Francisco, or for the service of any process issuing from any Court or any officer in a criminal action.

SEC. 2. *And be it further enacted*, That as to all moneys heretofore received by the several Sheriffs, as such, of the City and County of San Francisco, not accounted for, but retained by them to cover the traveling and other expenses necessarily incurred in the discharge of their official duties, the said Sheriffs shall be and they are hereby relieved from the operation of an Act entitled "An Act to amend an Act to regulate fees in office," approved April tenth, eighteen hundred and fifty five, making it their duty to pay the same into the County Treasury; *provided*, the amount so retained by them for such purpose, or for other expenses, does not exceed that actually disbursed by them or either of them for the purposes aforesaid; and the Board of Supervisors of said city and county is hereby authorized and empowered to ascertain the amount of moneys so retained by the said Sheriffs and the disbursements so made by them for the purpose aforesaid, and the excess only, if there be any beyond the said disbursements, shall be paid into the County Treasury; and whenever any of said Sheriffs shall have heretofore unlawfully demanded and received, in the discharge or supposed discharge of their official duties, any sums of money, or fees, or claimed as fees, but which have been paid into the public Treasury of said city and county, all such sums of money shall be deemed and held to have been legally demanded, received, and paid into the said Treasury; and all the acts of said Sheriffs, so as aforesaid, are hereby legalized and confirmed. This Act is to apply to the City and County of San Francisco only.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER DXXXIX.

An Act for the correction of errors and omissions in the official proceedings relative to certain contracts for street work in the City and County of San Francisco.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any error, omission, or defect in form, existing, appearing, or being discovered in any of the official proceedings relative to or by law rendered necessarily precedent to those certain contracts mentioned in section two of this Act, or to either of such contracts, being the error or omission of or the defect in form by either or all the Board of Supervisors of the City and County of San Francisco in power at the time of such error, omission, or defect in form, or of the Clerk of such Board, or of the Superintendent of Public Streets, Highways, and Squares in office at such time, is hereby corrected, supplied, amended, and cured, and all such proceedings are hereby rendered as complete and perfect as if such error, omission, or defect in form had never existed or occurred. Corrections of errors and omissions.

SEC. 2. This Act shall apply only to those certain contracts for street work in the City and County of San Francisco known as number three thousand four hundred and twenty-five (3,425), and being for the grading of Fillmore street from Haight to Fell street; also, number four thousand four hundred and eighty-two (4,482), and being for the grading of Pierce street from Page to Hayes street; also, number four thousand five hundred and thirty-eight (4,538), and being for the grading of Webster street from Haight to Page street. Act applying.

SEC. 3. This Act shall take effect and be in force on and after April first, eighteen hundred and seventy-two.

CHAPTER DXL.

An Act concerning roads and highways in Contra Costa County.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All public and private roads now used as such Roads in the County of Contra Costa, and those heretofore declared or established by the Court of Sessions or Board of Supervisors of said county, or which may hereafter be so declared by the Board of Supervisors, are hereby established and declared to be public

and private roads or highways respectively, as the case may be. Public roads or highways hereafter established shall not exceed the width of sixty feet, and private or by-ways not exceeding thirty feet. In case the survey of any public roads or highways heretofore located and now used as such should have been lost, mislaid, and not have been made a part of the records of this county, the Superintendent of Roads shall, upon the order of the Board of Supervisors, cause a resurvey of such road, which survey and field notes shall be entered in the road record in like manner as roads hereafter established.

Road
Districts.

Superin-
tendents.

SEC. 2. The County of Contra Costa shall be divided into road districts, which shall be coincident with the Supervisor districts in the county, and shall be designated as road districts, and bear the same number as the Supervisor districts of the county; and as such road districts may sue and be sued as in this Act provided. In each road district there shall be one Superintendent of Roads, who shall be appointed by the Board of Supervisors, and hold his office for the term of one year, or until his successor is appointed and qualified; *provided*, that until a Superintendent is appointed and qualified, and in case of a vacancy occurring by the death, removal, or resignation of any Superintendent of Roads, the Supervisor of that district shall be ex officio the Superintendent within such district until a Superintendent is appointed and qualified, and he shall discharge all the duties of said office and receive the same compensation for his services as allowed by this Act. The Board of Supervisors shall have the power to revoke the appointment of any Superintendent whenever they deem it to be the interest of the county to do so. Before entering upon the discharge of their duties, the Road Superintendents shall take and subscribe an oath of office, to be indorsed upon their commission, and execute a bond, with two or more sureties, in a sum of money to be fixed by the Board of Supervisors, for the faithful performance of the duties of his office, which bond shall be approved by the County Judge, and filed and recorded as other official bonds.

Oath and
bond.

Duties.

SEC. 3. It shall be the duty of the Road Superintendents to have the care and general supervision of all public roads within their several districts; to keep them in repair, and to build and keep in repair all the necessary bridges and culverts as the means at his command will permit; to oversee and direct the labor upon the roads in his district, and to employ men, teams, and tools necessary for road work. The allowance to be paid for labor, teams, etc., for road work, shall not exceed the rates ordinarily paid by private persons for like services.

Liability.

SEC. 4. The Road Superintendent shall be liable for damages sustained by any person or persons by reason of the willful neglect or refusal of such Superintendent to repair any broken bridge or culvert, or any road which had become dangerous or impassable within his district, when notified thereof.

Statement.

SEC. 5. The Road Superintendent shall present to the Board of Supervisors annually, and when ordered by the Board, a statement or account of his official proceedings appertaining to his district, showing the amount of all moneys collected by him for road poll taxes, and by whom paid; the names of all

persons who have not paid said tax; the amount of moneys paid for labor, tools, and materials; to whom paid; and the amount paid for contracts, and to whom; also, a statement of the condition of the roads and the probable amount of work, and the cost of any necessary improvements required to place the roads in his district in good condition for travel. He shall also report as to the tools, if any, belonging to his district, and their condition; and also show the number of days or parts of days actual service performed by him in the discharge of his official duties. The statement and account shall be verified by his oath, and on the approval and allowance by the Board of Supervisors of his said account, he shall be allowed as full compensation for his services at the rate of five dollars for each day's actual service performed by him, provided the whole amount shall not exceed the sum of four hundred dollars per annum. All moneys paid by the Superintendent shall be represented by vouchers or receipts or the said sums shall not be allowed in his accounts on settlement. At the end of his term of office, or if removed, immediately after his removal, he shall deliver to his successor all tools, papers, books, tax receipts, or moneys belonging to the road district or appertaining to his office.

SEC. 6. The Road Superintendent shall, as soon as practicable after his appointment, make out a list of all persons residing in his district liable to pay a road poll tax, and from time to time make additions to or corrections of his list. He shall collect from each person the road poll tax which may be levied by the Board of Supervisors, and give to the person paying the same a receipt therefor; and to enforce the collection of such road poll tax, the Superintendent or his deputy is hereby authorized and empowered to seize upon any personal property belonging to any person delinquent and refusing or neglecting to pay his road poll tax, sufficient to pay said tax and costs, the costs in any one case not to exceed the sum of two dollars. If after notice to the delinquent, and upon verbal notice in some public place of the intention to sell, the said tax and costs are not paid within one hour, the Superintendent or his deputy may sell the property at public sale, and apply the proceeds to the payment of said tax and costs, and return the surplus of the proceeds, with the poll tax receipt, to the said delinquent. An actual delivery of the property sold at such sale to any purchaser shall operate and be a sufficient title, without a certificate of purchase. For the collection of road poll taxes, the Superintendent is hereby authorized to appoint one or more deputies, with full power to enforce the collection of the same, in accordance with this Act.

Road poll
tax list.

Seizure.

Deputies.

SEC. 7. Any person indebted to another, or having in his possession property belonging to another, liable to pay a road poll tax, who shall neglect or refuse to pay the same, and thus become delinquent, shall be liable and held to pay the poll tax for such delinquent person after service upon him by the Road Superintendent or his deputy of a notice in writing stating the name, if known, of said delinquent so liable and owing road poll tax, and a demand upon him that he will be held liable for the payment of the same; and such person so paying may

Delinquents.

deduct the amount paid for poll tax from moneys due said delinquent and charge the same to him on settlement. Any person, corporation, or company having in their employment one or more persons may be held in like manner for the payment of such road poll tax for any one or more persons employed by him or them, who may neglect or refuse to pay said tax, on the service upon him or them, or upon the agents of said company or corporation, of a like notice, in writing, stating the names, if known, of the parties delinquent, and the amounts due from each, and that they will be held liable to pay the same; if the names are unknown they may be designated by fictitious names. Any person, company, corporation, or agent of any company or corporation so employing persons who shall refuse to give a list of the names of their employes, or refuse to aid the collection of road poll taxes as contemplated by this Act, shall be guilty of a misdemeanor, and if convicted thereof shall be fined in any sum not less than twenty nor more than forty dollars.

Contracts.

SEC. 8. The Road Superintendent shall be authorized to make contracts for work and labor to be performed on any roads or bridges within his district, either for the repair of roads, building or repairing bridges, or for the purchase of materials for roads or bridges; *provided*, that the amount to be paid on such contract does not exceed the sum of three hundred dollars. Said contracts may be let privately or by receiving proposals, but no contract by him let shall be in force or binding which is not to be fully performed within sixty days from and after the date of the making thereof, unless by order of the Board of Supervisors the time for completion may be extended. Whenever a Road Superintendent shall deem it advisable that a contract should be let for work, labor, or materials to be furnished, the consideration for which shall exceed the sum of three hundred dollars, he shall make and present to the Board of Supervisors a specification of the work to be performed or of the materials to be furnished, together with an estimate of the costs of the same. And if said specifications and estimate be approved by the Board of Supervisors they shall order the contract to be let in manner as hereinafter provided. If the Board approve the letting of the contract they may change, alter, or amend in any particular the specifications before the order of letting said contract. All contracts for work, labor, or materials for which the amount to be paid will exceed the sum of three hundred dollars, and all contracts for a lesser sum when so ordered by the Board, shall be let to the lowest bidder. Notice shall be given by the Road Superintendent, when so ordered by the Board, that sealed proposals will be received for the performance of said contract. The notice shall contain a general idea of the work to be performed and of the material to be furnished, if any, and the place where specifications of the work or of the materials to be furnished can be seen, the time and place where said proposals will be received, and the time when and where the same will be opened. The notice shall also state the character and time of payments proposed to be made. Copies of said notice shall be posted in three or more public places in the road district where the work

Sealed
proposals.

is to be performed or for which the material is to be furnished, and also one copy on the Court House door in Martinez, for not less than thirty days next preceding the date of opening said proposals; a copy shall be published in some newspaper published in the county for the same length of time, and any other notice, if by the Board deemed advisable or necessary to be given, shall be given as the Board shall direct. On the day named in the notice the Board of Supervisors shall proceed to open said proposals, and the award of the contract shall be made to the lowest responsible bidder; *provided*, the Board may reject all proposals if they deem it advisable. The Board shall require a bond in favor of the road district from the contractor for the faithful performance of his contract and to keep the road district harmless from any and all liens of sub-contractors, workmen, laborers, parties furnishing materials in the performance of said contract, or any other liability growing out of said contract.

SEC. 9. Whenever the Road Superintendent thinks it necessary that a road should be established in his district, or any road now in use should be altered, changed, or vacated, he shall petition the Board of Supervisors to establish, alter, change, or vacate such road as in this Act provided. He shall first cause a survey of such new road or the alteration or change of an old road to be made by the County Surveyor, or by some person competent to make the necessary surveys, which survey, with the plat and field notes, shall particularly describe the commencement and termination and all points on the line of the road of any note, and give the courses, stations, distances, etc.; the maps or plat shall also show the boundary lines of the land of the several owners, as claimed by them, where crossed by the location of the proposed road, so far as known to the Surveyor or Superintendent, and showing the quantity of land that it will be necessary to take from each person. The Surveyor shall mark the line of the proposed road plainly with stakes firmly set in the ground, so that the same can easily be traveled. The petition shall contain the field notes of the survey of said proposed road, and shall also show the length, breadth, and probable expense of any and all bridges, culverts, or structures required for the opening said road; and also the amount of grading, digging, and graveling required to place the proposed road in good condition for travel. The petition shall also state the time at which the same will be presented to the Board of Supervisors for approval and action, and that all owners of land on the line of said road who fail to file with the Clerk of the Board of Supervisors a claim for damages or objections to the road as described in said petition within ten days from the date of service thereof, will be forever barred from objecting thereto or making any claim for damages occasioned by the locality, altering, or vacating said road. The petition shall be signed by the Road Superintendent, and be verified by his oath in like manner as pleadings in the District Court. The plat or map of said road shall be filed and presented to the Board at the time of filing and presenting the petition.

Petition to
alter,
change,
etc., roads.

SEC. 10. The petition shall be served by the Road Superintendent on all owners, claimants, and occupants of the land

Petition,
how
served.

through which the said road will pass, provided such owner, claimant, or occupant are residents of the road district, and can be found in the said district after due diligence, by delivering to each one of said owners, claimants, or occupants, personally, a copy of said petition. Copies of the petition shall be posted in three public places in the road district, one of which shall be posted at or near the route of such proposed road; and, also, one copy shall be posted at the door of the Court House in Martinez, for a period not less than twenty days prior to the date mentioned in said petition for presentation to the Board of Supervisors; and a copy of said petition shall be published in some newspaper published in the county, in not less than three issues, if said paper be published weekly, and the service by publication in all cases shall be deemed complete at the expiration of twenty days from the date of the first publication of such petition in said newspaper. The copy of the petition for publication shall bear the date of the first publication or issue. The Superintendent, at or prior to the time of the filing and presenting the petition, shall also file an affidavit of service where personal service has been made, and of posting notices, and also an affidavit of publication, and no further or other notice of service shall be required to give the Board of Supervisors jurisdiction to hear and determine all matters therein. If any of the owners, claimants, or occupants of the land required for road purposes signify their approval of the said road, and sign a written consent to the effect that they will dedicate the land so required to be taken for road purposes, and that they claim no damage therefor and make no objection thereto, and waive the service of a copy of petition, the Road Superintendent may omit personal service on the signers thereof, and he shall file the said written consent with the petition and other papers.

Publica-
tion.

Objections.

SEC. 11. Any person or persons desiring to object to the location, alteration, change, or vacating any road, or to claim damages on account of the location, alteration, change, or vacating any road, shall, within ten days after the service upon him of the copy of the petition, if served personally, or if not served personally, within thirty days from the date of the first publication of a copy of the petition, file in the office of the Clerk of the Board of Supervisors a complaint, in writing, which shall be verified by him in the same manner as required for pleadings in the District Court. Such complaint shall specifically set forth his objections to the said road, and give the amount of his claim for damages sustained, if any, the value and quantity of land claimed by him or her proposed to be taken for road purposes, the nature, kind, and extent of damages sustained, and also the nature and kind of the lands taken, whether agricultural or grazing, and also whether the claimant is the sole and exclusive owner thereof; and if such land be held or claimed in common, or not owned in fee, then such claimant shall show the nature and extent of his claim to said lands, and also the nature and extent of the claim that each and every joint owner or claimant has therein. A copy of his complaint shall also at the time, or prior to the filing, be served upon the Road Superintendent of said district.

SEC. 12. On the day named in the petition for the presentation thereof, or as soon thereafter as the same can be heard by the Board of Supervisors, the Board shall first ascertain if the proper service of petition, posting, and publishing, as required by this Act, has been made and shown by the returns of the Superintendent; if service is not complete the Board may continue the hearing of the matter to some day until such service be made. If it appear to the satisfaction of the Board that service has been duly made, and any objections or claims for damages have been made and filed as by this Act provided, they shall proceed to consider such claims for damages and objections; they shall hear any evidence offered in support of or against such claims or objections, and may cite any person or persons to appear before them to testify in behalf of either party; and if the Board think that the road should be established, and cannot agree with the complainants as to the amount of damages that will be sustained by such person or persons by reason thereof, they shall appoint three competent and disinterested persons, residents and taxpayers in said district, who shall, on some day agreed upon by them, visit that portion of the line of proposed road for and on account of which the claimants allege they have or will sustain damages by reason of such location, alteration, change, or vacation of said road, and carefully assess the damage caused to each, and make and file a written report of the same with the Clerk of the Board of Supervisors. The Assessors shall take into consideration the benefits to the claimants to be derived from the road, in making their assessments, and separately report as to the benefits and also as to damages. They shall make their report under oath, and it shall be signed by not less than two of their number. The Board of Supervisors shall specify some day in the order appointing the Assessors, on or before which time they shall make their report, and they shall meet and act at least ten days before such report shall be required to be made. The Clerk of the Board of Supervisors shall, within five days after the order is made appointing said Assessors, notify the persons so appointed, by mail or personally, of their appointment, and shall also specify the names of the parties who claim damages and of whose lands they are required to assess. Each and every person claiming damages shall serve upon or deliver personally to said Assessors a correct copy of their claims for damages within five days after the order made by the Board appointing the Assessors. Should there have been no claim for damages nor objections filed as herein provided, the Board shall, if they deem the road necessary, declare the road located, altered, changed, or vacated, as described in the survey and petition for said road, without further action. Should the Assessors appointed by the Board fail or neglect to meet, act, or report as directed in the order appointing them, the Board of Supervisors may appoint other Assessors in like manner as the first were appointed, and they shall meet, act, and report as required by the order appointing them.

SEC. 13. On the matter of the road petition for again coming

Hearing. up for a hearing after the filing of the report of the Assessors, the Board of Supervisors shall consider the report and all matters connected therewith, and if fully satisfied that public convenience requires that said road be located, altered, changed, or vacated, the Board shall order and decree that said road, as described in map survey and field notes on file, be declared a public road or highway; *provided*, that the Board shall have the power to establish and declare a portion of the said road to be a public road or highway, and reject a portion; but no change in the survey of said road shall be made after a copy of the petition has been served upon any owner of lands affected thereby. If any damages have been awarded the order shall state the amount of damages that they award to each claimant.

SEC. 14. In case any Road Superintendent shall be applied to by one or more persons to have a road located, altered, changed, or vacated, and he shall not think the road or change necessary or advisable, he shall, upon the written request of not less than ten persons, residents of the district, petition to the Board of Supervisors to locate, alter, change, or vacate the said road as by them requested in the same manner as provided in section nine of this Act. Before causing a survey to be made he shall require the parties requesting him to present the petition for their road, to deposit with him a sufficient sum of money to pay the expenses of survey and all other necessary expenses liable to accrue in the establishment of said road, to be held by him as security for costs. Should the road be finally located by the Board of Supervisors the costs and expenses shall become a charge upon the Road Fund of the district in which the road is located, and the money so deposited and held shall be returned to the parties requesting the presentation of the petition. In case the road is rejected by the Board the Road Superintendent shall pay all costs accrued out of the moneys held by him for that purpose.

Damages. **SEC. 15.** Any persons claiming damages on account of the location, altering, changing, or vacation of any road or highway established under this Act, who shall be dissatisfied with the amount of the damages awarded to him by the Board of Supervisors, and shall refuse to receive the same and intend to commence an action for a greater amount than as awarded to him, shall, if they have complied with the provisions of section eleven, commence such action within ten days from the date of the order declaring such road located, altered, changed, or vacated, against the road district in which the road is situated, to recover the same. The action shall be commenced by filing a complaint with the Clerk or Justice of the proper Court, and the issuance of a summons thereon. The complaint shall be verified, and shall contain no causes of action except such as have been set out in the complaint filed as provided in section eleven. A copy of said complaint, with the summons, shall be served upon the Road Superintendent of the district in which said road is located, within thirty days from the date of filing the complaint. The plaintiff, at the time of filing his complaint, shall also give a bond in the sum of three hundred dollars when commenced in a Justice's Court, and five hundred dollars if suit commenced in District Court, with two or more sufficient sure-

ties, residents and householders, who shall justify in like manner as upon official bonds. The bond shall be conditioned that the plaintiff will pay all costs or damages that may be awarded to defendant, not exceeding the amount of the bond. If the plaintiff in the action fail to recover a greater amount of damages than the sum awarded by the Board of Supervisors, all the costs of defendant in the action, and a penalty of twenty per cent upon the amount claimed over and above the amount as awarded by the Board of Supervisors, shall be taxed against him by the Court and in favor of the road district; and if said costs and penalty or damages are not paid within twenty days from the date of the entry of judgment, the Road Superintendent shall proceed upon the bond given by plaintiff, to recover the same. An action commenced against any road district shall not operate as a stay of proceedings against the opening of any road located by the Board of Supervisors under and in accordance with the provisions of this Act. Whenever an award has been made to any party for damages occasioned by the location, altering, changing, or vacating any road, and an order made by the Board that a warrant be drawn for the amount, such order shall be a tender of the amount as awarded, and the refusal of the complainant to receive such warrant shall not be grounds for an averment in his complaint of non-payment of the award.

SEC. 16. Any person or persons, corporation, company, association, or party of whatsoever name or description, who shall fail, refuse, or neglect to present his, her, or their claims for damages within the time or in the manner required by the terms of this Act, or who shall fail or neglect to appear personally before said Board of Supervisors and endeavor to agree with them in regard to such claims, or submit to an examination under oath with respect to such claim, if subpoenaed to appear, or who shall fail or neglect to furnish to the Assessors a copy of the claim made by such person or party within the time as required by this Act, or shall fail to bring an action for such damages in the proper Court, in the manner or within the time specified herein, or to give any bond in accordance with the requirements of this Act, shall be deemed to have waived all claims for damages against such road district, and be forever barred from claiming or maintaining any action in any Court therefor, nor shall the said Board allow any damages, except the same be presented in the manner and within the time required by the terms of this Act.

Failure to
present
claims for
damages.

SEC. 17. The Clerk of the Board of Supervisors shall, upon the request of the Road Superintendent or any party claiming damages for or on account of the location, alteration, change, or vacation of any road, as in this Act provided, issue subpoenas for the attendance of any witness before the Board of Supervisors of said county upon the investigation of any matters connected with or growing out of such location, altering, changing, or vacating any road or claims of damage therefor, as provided in this Act, and the attendance and testifying of such witness may be compelled by order of said Board, in the same manner and to the same extent as provided for the attendance of witnesses before Justices of the Peace in civil cases; and all laws applicable to the attendance and testifying of witnesses before

Attendance
of witnesses

Justices of the Peace in civil cases are hereby made applicable to said Board of Supervisors in all matters appertaining to roads or claims for damages therefor, or objections thereto, as in and by this Act provided; but no road district nor Road Superintendent shall be required to pay any witness or person subpoenaed to attend, or advance any fees whatever; and *provided* further, each party subpoenaing witnesses before said Board shall not have any claim against the opposing party for the attendance of any witnesses before said Board of Supervisors, or mileage therefor; and the Clerk of said Board is hereby authorized to administer any oath to such witness.

Road
Record.

SEC. 18. There shall be kept in the office of the County Clerk of Contra Costa County a book or books to be known as the Road Record of said county, in which book shall be entered the order locating, and the survey and field notes of all roads hereafter established by the Board of Supervisors, and also of any alteration, change, or vacation of any road. Upon the order of the Board of Supervisors declaring any road petitioned for to be a public road or highway, the Clerk of the Board shall, besides his entry in the minutes of the Board, record in the Road Record the survey and field notes of the said road, besides the order locating the same, and within five days thereafter the Clerk shall notify the Road Superintendent of the order having been made.

Joint duty
and
authority.

SEC. 19. In case of the constructing or repairing any bridge crossing a stream on the line between two districts or between two counties, the Road Superintendents of the several districts connected by said bridge shall have and exercise a joint duty and authority over the erection or repairing said bridge, and the expense shall be equally divided between the said districts or counties.

Compensa-
tion.

SEC. 20. Any person performing any service under the provisions of this Act shall be entitled to receive as compensation for the same as follows: Road Superintendent, five dollars per day; Surveyor, five dollars per day; Assessors, three dollars per day; Chainmen, two dollars per day; Flagmen, two dollars per day; which sum shall be allowed by the Board of Supervisors and ordered paid out of the Road Fund of the district in which the service was performed.

Levy of
taxes.

SEC. 21. The Board of Supervisors each and every year shall levy upon all taxable property in the County of Contra Costa a tax for road purposes, said tax not to exceed eighty cents upon each one hundred dollars worth of taxable property in the county, which tax shall be collected at the time and in the same manner as other county taxes, and paid into the County Treasury and be apportioned to and constitute the Road Fund. The Board shall also each and every year levy upon each and every able-bodied man (Indians excepted), between the ages of twenty-one and fifty, a road poll tax of two dollars, which shall be collected by the Road Superintendent or his deputy.

Additional
tax.

SEC. 22. The Board of Supervisors are hereby authorized to levy for the present year, to wit, eighteen hundred and seventy-two, upon all taxable property in the County of Contra Costa, an additional tax for road purposes; but said additional tax,

together with the tax already levied by the Board, shall not exceed in the aggregate eighty cents upon each one hundred dollars worth of taxable property in the county, said tax to be collected as other county taxes, and to be paid the County Treasurer, and by him apportioned and set apart to the Road Fund as in this Act provided.

SEC. 23. After the levy of taxes for each year the Board of Supervisors shall make an estimate of the amount of revenue due to the Road Fund and of the several amounts to be apportioned to each of the road districts, also the amount that will become due from road poll taxes. They shall also ascertain the amount of indebtedness of the several road districts, and cause the same to be entered upon the minutes of the Board, and no indebtedness shall be created nor liabilities contracted in any road district after the Fund of the district as above ascertained shall be exhausted.

SEC. 24. It shall be the duty of the Assessor of Contra Costa County, in making out his assessment roll, to designate in the same column in which the name of the person taxed is written, either opposite or under his name, the township or road district by number in which township or road district the property assessed may be situated, so that said assessment roll shall show that all property liable to be taxed is assessed in the proper district in which it was situated at the time of such assessment. When any person owns property situated in more than one road district the Assessor shall show the amount of property belonging and liable to be assessed in each district.

SEC. 25. The Tax Collector shall, in his settlement with the County Treasurer, designate separately the amount of taxes collected from each road district, and the County Treasurer shall, from the amount due the Road Fund, apportion to each road district the amount that has been collected therefrom, and creating what shall be known as "Road Fund District Number One," number two, or number three, according to the numbers of the several road districts. All warrants payable out of the Road Fund shall be drawn by the order of the Board of Supervisors, and when drawn shall designate on their face the Road District Fund, by number, from which said warrants are to be paid, and the County Treasurer shall pay the same from the Fund so designated, and from no other.

SEC. 26. The County Auditor shall procure, before the first Monday of March of each year, a sufficient number of suitable and uniform road poll tax receipts. He shall number and sign them as Auditor. He shall deliver to each Superintendent the number required by them, and take a receipt therefor. The Superintendents shall be charged with all receipts taken, and receive credit for the same on their settlement with the Board of Supervisors. Any Superintendent, or his deputy, who shall receive from any person or persons moneys for road poll tax and shall not give in return a proper receipt therefor, as issued to him by the County Auditor, or who shall give any other or different kind of receipt than the receipt issued to him by the County Auditor, shall be guilty of a misdemeanor, and, if convicted thereof, shall be punished by a fine of not less than twenty nor more than one hundred dollars. The compensation

for the collection of road poll taxes shall be fixed by the Board of Supervisors.

Misdemeanor.

SEC. 27. Any person or persons who shall willfully injure or destroy any bridge or other portion of a public highway, or shall by any means render the same unsafe, dangerous, or impassable, or shall cut down or injure any living tree in any public road, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than one hundred dollars, or imprisonment in the County Jail for not more than fifty days, or by both such fine and imprisonment. This section shall not be construed so as to prevent the owner of any land from trimming, pruning, or removing any trees growing or planted within his inclosures and upon his land bordering on any road.

SEC. 28. Any person or persons, or body politic or corporate, who shall obstruct any public road or highway, or any bridge, either by placing any obstructions therein, or by digging in said road, or by deepening the waters of any stream, thereby injuring any ford or crossing, or in any other manner shall obstruct any road or highway, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, to be collected as other fines; and such person or persons shall be liable, at the suit of the Road Superintendent, in the sum of five dollars, for each and every day that such obstruction is allowed to remain after being notified by the Road Superintendent to remove the same. All roads or highways located, altered, or changed, under the provisions of this Act, shall become such from and after the date of the order of the Board of Supervisors so locating, altering, or changing such road.

Fines and expenses.

SEC. 29. All fines collected under the provisions of this Act, after the expenses of prosecution are paid, shall be paid into the County Treasury, and become a part of the Road Fund of the district in which the offense was committed. All expenses incurred under this Act in the prosecution of offenses, shall also be chargeable to and paid out of the Road Fund of the district in which such offense was committed.

Private roads.

SEC. 30. Any person or persons desiring to obtain a road for private convenience, and not intending the same for the use of the traveling public generally, shall present a petition to the Board of Supervisors, showing a specific description of said proposed road, giving the length, width, and description thereof, the names of all parties owning the land to be affected thereby, and also the conditions to be observed in respect to gates, fences, and other matters agreed upon. If said petition shall be accompanied by the written consent of all the parties interested in the land so to be crossed by the said road, the Board shall declare such road a private or by-road; and said order, with the description, and also the consent of parties to said road, shall be recorded in the Road Record of the county. In case all parties owning lands on the line of said road do not agree as to the location of said road, and their consent cannot be obtained, the same measures shall be taken and the same laws shall apply as contemplated in this Act for the location and establishment of public roads or highways, except that only

one person will be required to sign the application to the Road Superintendent requesting him to present a petition to have the said private or by-road established. In all cases where private roads are established or located, it shall be one of the conditions of the same that the erection of gates, repair of roads, building of bridges, and all costs of maintaining the same, together with the costs of location and damages allowed, if any, shall be paid by and become a charge against the parties seeking or desiring to have the said road so located, and that the road district shall be put to no expense on account thereof.

SEC. 31. This Act shall not in any manner operate to affect any suit or suits now pending in said county.

SEC. 32. This Act shall take effect immediately, and all Acts and parts of Acts in conflict with this Act, in their application to Contra Costa County, are hereby repealed.

CHAPTER DXLI.

An Act concerning persons under sentence of imprisonment in the County Jail in the County of Napa.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Napa are authorized, by any general or special order, to cause persons incarcerated in the County Jail of the County of Napa under sentence of imprisonment for misdemeanor, to labor upon the public works or the roads or streets of the City of Napa during their respective terms of imprisonment. Labor on
public
works.

SEC. 2. Upon demand of the authorities of the City of Napa the Sheriff of the County of Napa shall deliver any prisoner in his custody, so ordered to labor, into the charge and custody of the Marshal of said city or any other official of that city thereunto authorized, and the said prisoner shall, at the close of each day's labor, be remanded again into the custody of the Sheriff of the county.

SEC. 3. The authorities of the said city shall take all needful precautions to prevent the escape of any prisoner thus laboring, and are authorized to employ such overseers and to use all means necessary to that end.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER DXLII.

An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, approved April twenty-fifth, A. D. eighteen hundred and sixty-two.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Notaries.

SECTION 1. The Governor shall have the power and is authorized to appoint and commission two Notaries Public in the County of Monterey, in addition to the number now authorized by law to be appointed in said county. Such Notaries, when appointed, to be subject to the general laws in relation to Notaries Public.

SEC. 2. This Act shall take effect immediately.

CHAPTER DXLIII.

An Act to authorize the construction and maintenance of a public bridge across Napa River, at Napa City.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Construction of bridge.

SECTION 1. The Board of Supervisors of Napa County are hereby authorized, whenever the public convenience shall in their judgment require the same, to construct and maintain a bridge across Napa River, at Napa City, at such point above the present steamboat landing as the public convenience may require; *provided*, that such bridge shall be constructed with a draw or opening of sufficient size to admit of the passage of sailing vessels, and the Board of Supervisors of Napa County are authorized to regulate the use of said draw when the said bridge shall have been built.

CHAPTER DXLIV.

An Act to provide for the payment of the principal and interest on California Indian War Bond Number Thirty-four.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twenty-one hundred and ninety dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the principal and interest on California Indian War Bond Number Thirty-four, issued April first, eighteen hundred and fifty-one. Appropriation.

SEC. 2. The Controller of State, on presentation and delivery of said bond to him, is hereby authorized and directed to draw his warrant for the sum of twenty-one hundred and ninety dollars in favor of the holder of said bond, and the State Treasurer is hereby authorized and directed to pay the same.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DXLV.

An Act to authorize the Board of Supervisors of El Dorado County to levy a special tax, and for other purposes.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors in and for the County of El Dorado are hereby authorized to levy annually, in addition to the taxes now authorized by law, a special tax, not to exceed ten cents on each one hundred dollars value of taxable property in said county, for the benefit of the County Current Expense Fund, said tax to be assessed and collected at the same time and in the same manner as other property taxes are assessed and collected under the revenue laws of this State. The taxes so assessed and collected shall be paid into the County Treasury, and shall constitute a part of the County Current Expense Fund. Tax for County Current Expense Fund.

SEC. 2. All moneys paid into the County Treasury of said county from the sale of licenses, and all moneys required by law to be paid into said county under the provisions of section thirty-seven hundred and seventy of the Political Code, shall be paid into and constitute part of the Salary Fund of said county. Salary Fund.

Salary of
District
Attorney.

SEC. 3. The District Attorney of El Dorado County shall receive, for all services required of him by law or by virtue of his office, for the term of two years from and after the first Monday of March, eighteen hundred and seventy-two, to be allowed and paid monthly, out of the Salary Fund of said county, a salary of eighteen hundred dollars per annum.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER DXLVI.

An Act to protect fish in the waters of Sierra and Plumas Counties.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Protection
of fish.

SECTION 1. It shall not be lawful for any one to sell or offer for sale any fish taken from the public waters of the Counties of Plumas or Sierra, in either of said counties, during the months of May and June of each year.

Misde-
meanor.

SEC. 2. Any one violating the provisions of section one of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than ten nor more than fifty dollars.

Fines.

SEC. 3. All fines collected under the provisions of this Act shall be paid into the School Fund of the county in which the conviction is had.

SEC. 4. This Act shall take effect immediately.

CHAPTER DXLVII.

An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Santa Barbara County to build a Court House and Jail in said county, to issue bonds of said county for the construction thereof, and to provide for the payment of the same, approved February second, eighteen hundred and seventy-two.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended to read as follows:

Issue of
bonds.

Section 1. The Board of Supervisors of Santa Barbara County are hereby authorized and empowered to issue bonds

of said county for the erection of a Court House and Jail at the county seat of said county, for any amount not exceeding fifty thousand dollars, bearing interest at the rate of seven per cent per annum. Coupons for the semi-annual interest shall be attached to each bond, and said bonds and coupons shall be signed by the Chairman of the Board of Supervisors and countersigned by the Auditor and Treasurer of said county.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Section 2. The bonds authorized to be issued by the provisions of this Act shall be due and payable in the gold coin of the United States at the Bank of California, in the City of San Francisco, on the first day of July, one thousand eight hundred and ninety-two; *provided*, that the Board of Supervisors of said county shall have power, and they are hereby authorized to redeem said bonds before their maturity as herein provided. The interest on said bonds shall be due and payable in gold coin of the United States on the first days of January and July of each year, at the Bank of California, in the City of San Francisco. Where payable.

SEC. 3. This Act shall take effect immediately.

CHAPTER DXLVIII.

An Act to authorize Margaret McDanel, administratrix of the estate of Thomas McDanel, deceased, to borrow money to pay the debts of the estate.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Margaret McDanel, administratrix of the estate of Thomas McDanel, deceased, is hereby authorized and empowered to borrow money to pay the debts of the estate of Thomas McDanel, deceased, and for securing the repayment of the same to execute and deliver a note, together with a mortgage upon the mines and mining claims belonging to the estate of Thomas McDanel, deceased, situated at Cherokee Flat, in the County of Butte; *provided*, the interest paid shall not be over one per cent per month. To pay debts of estate.

SEC. 2. This Act to take effect immediately.

CHAPTER DXLIX.

An Act to regulate the salary of the District Judge of the Sixteenth Judicial District.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary of
Judge
Sixteenth
Judicial
District.

SECTION 1. The salary of the District Judge of the Sixteenth Judicial District of the State of California shall be five thousand dollars per annum from and after the first day of January, A. D. eighteen hundred and seventy-four.

CHAPTER DL.

An Act to provide for Public Administrators in certain cases.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public
Adminis-
trators.

SECTION 1. If the Public Administrator of any county of this State fails to qualify, or in person fails to perform the duties of his office, the Coroner of such county shall be ex officio Public Administrator; and in case both Public Administrator and Coroner fail to qualify or to perform the duties appertaining thereto, the Supervisors shall appoint a suitable person to be Public Administrator; and all laws applicable to the qualification, powers, duties, and compensation of Public Administrator shall apply to the Coroner or appointee of the Supervisors as aforesaid.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DLI.

An Act concerning the office of Sheriff of Humboldt County.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff of Humboldt County shall be allowed a compensation for his services as Jailer, to be fixed by the Board of Supervisors. Compensation.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DLII.

An Act authorizing and directing the Board of State Harbor Commissioners to reduce or abolish the rate of dockage, wharfage, and tolls.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of State Harbor Commissioners are hereby authorized and directed to reduce the rates of dockage, wharfage, and tolls, or to abolish the same, or any of them, and shall, on or before the first day of March, A. D. eighteen hundred and seventy-two, reduce the same, so that the rates thereafter to be charged and collected shall not exceed fifty per cent of the rates charged at the date of the passage of this Act. Reduction of rates.

SEC. 2. Whenever the Board reduces the rates of dockage, wharfage, or tolls below the present rates, they may make a proportionate reduction on the monthly payments on all leases of the water front leased by said Board.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DLIII.

An Act to authorize the Board of Supervisors of Yolo County to approve certain claims against Swamp Land District Number Eighteen.

[Approved March 30, 1872.]

WHEREAS, The Board of Supervisors of the County of Yolo, Preamble.
sitting as a Board of Swamp Land Commissioners, did, in the year eighteen hundred and sixty-six, after advertisement, award

contracts for the construction of a levee in Swamp Land District Number Eighteen, to the following named persons, to wit: J. P. Huttman, J. B. Green, David C. Kelgour, J. H. Cave, Henry Welch, Richard Harris, Richard Parker, Daniel De Gross, J. G. Curtis, J. A. Potter, and J. J. Ammons, all of whom, after giving bonds for the faithful performance of said contracts, proceeded in good faith to execute the same; and whereas, before the completion of the said several contracts, the Board of Supervisors abandoned as impracticable the mode of reclamation previously adopted for said district, and gave notice to the parties aforesaid to cease the work thereon, but have neglected and refuse to certify to the State Board of Examiners the amount due the said parties, respectively, for the work performed by them under said contracts; and whereas, certain claims against said District Number Eighteen, under and by virtue of the provisions of an Act of the Legislature of this State, entitled an Act to authorize and require the Board of Supervisors of Yolo County to approve and certify certain claims against Swamp Land District Number Eighteen, approved April fourth, eighteen hundred and seventy, were duly certified to the State Board of Examiners, and duly approved by said Board, and the Controller of State refuses to draw the warrants therefor in favor of Jackson Wilcoxon, for one thousand dollars, James McDonald, one hundred and sixty dollars and fourteen cents, and Joseph Millman, three hundred and forty dollars, because the assets of said district have been exhausted; now, therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Contracts
declared
valid.

SECTION 1. The several contracts made by the Board of Supervisors, sitting as a Board of Swamp Land Commissioners, on the — day of July, A. D. eighteen hundred and sixty-six, for the building of levee in Swamp Land District Number Eighteen, with the parties hereinbefore named, are hereby legalized and declared valid, to the extent to which the same were performed by the parties, respectively, prior to the ninth of July, A. D. eighteen hundred and sixty-eight.

Supervisors
to certify
amounts
due.

SEC. 2. Said Board of Supervisors, acting as a Board of Swamp Land Commissioners, are hereby directed to certify to the State Board of Examiners the amount due to each of said parties under said contracts, as shown by the report of the Engineer of said District Number Eighteen, July ninth, eighteen hundred and sixty-nine, and now on file in the office of said Board of Supervisors, after deducting warrants issued to said parties, respectively, on said contracts, since the date of said report.

Payments.

SEC. 3. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer of State, payable out of the Swamp Land Fund of District Number Eighteen, in favor of the persons named in the preamble to this Act, for the sum so to be certified and approved, respectively.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER DLIV.

An Act in relation to the fees of District Attorneys in certain counties.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the Counties of Butte, Inyo, Placer, and Shasta, the fees allowed to District Attorneys for convictions must be taxed as costs against the defendants, but if the defendant is unable to pay the same, they are a county charge and must be paid out of the County Treasury.

Fees in
Butte,
Inyo,
Placer, and
Shasta.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER DLV.

An Act to authorize the payment of Mrs. Eliza McLean for supplies furnished the State Marine Hospital in the years eighteen hundred and fifty-three and eighteen hundred and fifty-four.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of seven hundred and ninety-three dollars and ninety-six cents, with legal interest from the twenty-third day of December, eighteen hundred and fifty-four, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of paying Mrs. Eliza McLean for supplies furnished the State Marine Hospital in the years eighteen hundred and fifty-three and eighteen hundred and fifty-four.

Appropriation.

SEC. 2. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer of State in favor of Mrs. Eliza McLean for the sum of seven hundred and ninety-three dollars and ninety-six cents, with the amount of interest added thereto as expressed in section one of this Act, and the Treasurer of State is hereby directed to pay the same.

Payment of claim.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DLVI.

An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority
to appropriate from
County
Treasury.

SECTION 1. The Board of Supervisors of San Joaquin County are hereby authorized and empowered to appropriate the sum of two thousand dollars for the use and benefit of the San Joaquin Valley Agricultural Society, to be paid out of the General Fund of said county.

How and
when
payable.

SEC. 2. The amount so appropriated shall be payable as follows, to wit: One thousand dollars on the first day of August, Anno Domini eighteen hundred and seventy-two, and one thousand dollars on the first day of August, Anno Domini eighteen hundred and seventy-three. The warrants for the payments of said appropriations shall be drawn in favor of the President, Treasurer, and Secretary of said society.

To be paid
for
premiums
at Fairs.

SEC. 3. The Board of Managers of said society shall hold a Fair or exhibition at some time during the years Anno Domini eighteen hundred and seventy-two and eighteen hundred and seventy-three, and the sums of money herein authorized to be appropriated by the Board of Supervisors of San Joaquin County shall be applied by the Board of Managers of said society to the payment of such premiums as may be offered by said Board of Managers, a printed list of which shall be published previous to the time stated for the payment of the respective appropriations for each year.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER DLVII.

An Act to provide for the incorporation of Tramroad Companies in the County of Shasta.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tramroad
companies
may
incorporate

SECTION 1. Any number of persons, not less than five, being subscribers to the stock of any contemplated tramroad, may be formed into a corporation for the purpose of constructing, owning, and maintaining such tramroad, by complying with the requirements of an Act entitled "An Act to provide for the

incorporation of railroad companies and the management of the affairs thereof and other matters relating thereto," approved May twentieth, eighteen hundred and sixty-one, and except as hereinafter provided the said Act, in all its provisions, shall apply to and govern such incorporation of tramroad companies and the management of the affairs thereof; and where the word "railroad" occurs in said Act, it shall be deemed and construed to mean and include "tramroad."

SEC. 2. Any company organized under this Act shall be required to lay down upon the road or avenue rails of such sufficient utility, stability, and security, as the business of the road may demand. Such company shall not, however, so lay down the rails on any county road, or toll road, so as to obstruct public travel on the same. Character and manner of laying rails

SEC. 3. The Board of Supervisors of the county in which the principal place of business of the corporation is situated, shall fix the rate of fares and freights to be charged by such tramroad company, provided that such rates shall not be so fixed as to reduce the net income of the company, after deducting the costs and charges of maintaining and managing such road, from the gross income, to less than ten per cent upon the cost of constructing and equipping such road. Fares and freights.

SEC. 4. Section fifty-one and section fifty-seven of the Act entitled "An Act to provide for the incorporation of railroad companies and the management of the affairs thereof and other matters relating thereto," shall not be applicable to any company incorporated and organized under this Act. Exemption

SEC. 5. This Act shall apply only to the County of Shasta.

SEC. 6. This Act shall take effect immediately.

CHAPTER DLVIII.

An Act to authorize the Napa Ladies' Seminary to grant diplomas.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Principal of the Napa Ladies' Seminary, in Napa City, Napa County, is hereby authorized to grant such literary honors as are usually granted by any university, college, or seminary of learning in this State, and, in testimony thereof, to give suitable diplomas, under her seal and signature as such Principal of the Seminary, as she shall deem expedient. Diplomas may be given.

SEC. 2. Every diploma granted by such Principal shall entitle the possessor to all the immunities which, by usage or statute, are allowed to possessors of similar diplomas granted by any university, college, or seminary of learning in this State. Of the highest character

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DLIX.

An Act to provide for the payment of interest on Trustees' orders against certain Swamp Land Districts.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Orders to
bear
interest.

Registra-
tion.

Payment.

SECTION 1. All orders drawn by the Board of Trustees against the Funds of Swamp Land Districts Numbers Fifty (50) and Fifty-four (54), in Sacramento County, for indebtedness incurred in reclamation, and approved by the Board of Supervisors of said county, shall bear interest from the date of their presentation to and registration by the County Treasurer at the rate of ten per centum per annum; and it is hereby made the duty of the said County Treasurer to register all such orders, in the order of their presentation, in a book to be kept by him for that purpose, together with their amounts, date of issue, number, and date of presentation for payment, and shall indorse upon the back of the order the date of presentation for payment, when presented and not paid for the want of funds in the Treasury for that purpose.

SEC. 2. Such orders, when so registered, shall be paid out of the funds belonging to each district respectively, together with the interest thereon, in the order of their registration.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DLX.

An Act to authorize the Board of Supervisors of Siskiyou County to pay Presley A. Dorris a certain sum out of the County General Fund.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the Board of Supervisors of Siskiyou County to order drawn on the County Treasurer a warrant in favor of Presley A. Dorris for the sum of seventy-three dollars and sixty-four cents, the same being said Dorris' pro rata share of the moneys refunded to the County Treasury from the State Swamp Land Fund, under authority of an Act

entitled an "Act to provide for the management and sale of the lands belonging to the State," approved March twenty-eighth, eighteen hundred and sixty-eight, which warrant the Treasurer shall pay as other warrants drawn on the County General Fund are paid.

SEC. 2. This Act shall take effect immediately.

CHAPTER DLXI.

An Act to quiet title to certain land in the County of Yolo.

[Approved April 1, 1872.]

WHEREAS, The south half of northwest quarter of section Preamble, seventeen, north half of southwest quarter and north half of southeast quarter of section sixteen, south half of section fifteen, south half of southwest quarter and south half of the southeast quarter of section fourteen, and south half of the southwest quarter of section thirteen, township eleven north, range two east, Mount Diablo meridian, was sold by the United States to actual settlers prior to the passage of an Act by the Congress of the United States entitled an Act to quiet land titles in the State of California, approved twenty-third of July, eighteen hundred and sixty-six, and all of the same has been segregated by the State as swamp and overflowed land. Therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State of California hereby relinquishes to the United States all claim to the south half of northwest quarter of section seventeen, north half of southwest quarter and north half of southeast quarter of section sixteen, south half of section fifteen, south half of southwest quarter and south half of the southeast quarter of section fourteen, and south half of the southwest quarter of section thirteen, township eleven north, range two east, Mount Diablo meridian; *provided*, that no valid rights have accrued prior to the passage of this Act.

Lands re-
linquished
to the
United
States.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DLXII.

An Act repealing Article Fourth of an Act entitled "An Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof," approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article Four.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public
streets
declared
open.

ARTICLE IV. SECTION 1. All the streets, lanes, alleys, places, or courts as laid down on the map now in the office of the City and County Surveyor of the City and County of San Francisco, which was made official by the Board of Supervisors of said city and county as per order number six hundred and eighty-four, January thirtieth, eighteen hundred and sixty-six, signed by George C. Potter and Thaddeus R. Brooks, and on the map now in the office of the said City and County Surveyor, which was made official by the said Board of Supervisors as per order number nine hundred and sixty-six, October twenty-fifth, eighteen hundred and seventy, and all other streets, lanes, alleys, places, or courts now dedicated or open to public use, are hereby declared to be open public streets, lanes, alleys, places, or courts for the purpose of this law; and the said Board of Supervisors are hereby invested with jurisdiction to order any of the work mentioned in section three of this Act to be done on any of said streets, lanes, alleys, places, or courts when the grade and width of said streets, lanes, alleys, places, or courts have been officially established; and for the purposes of this Act the grade of all intermediate or intersecting streets, lanes, alleys, places, or courts in any one block shall conform to the grades as established of the crossings of the main streets.

SEC. 2. All streets, lanes, alleys, places, or courts now open, or which may hereafter be open to public use, shall be deemed and held to be open public streets, lanes, alleys, places, or courts for the purposes of this Act, and the Board of Supervisors shall have the same jurisdiction to order work to be done thereon as is conferred upon them by section one of this Act.

Public
streets
graded and
repaired.

SEC. 3. The Board of Supervisors are hereby authorized and empowered to order the whole or any portion of the said streets, lanes, alleys, places, or courts graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, piled or repiled, capped or recapped, and to order sidewalks, sewers, cesspools, manholes, culverts, curbing, and crosswalks to be constructed, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, lanes, alleys, places, or courts, and they may order any of the said work to be improved. The work provided for in this Act shall not be

deemed to be "specific improvements" within the meaning of section sixty-eight, Article V of Chapter one hundred and twenty-five of the Act entitled an Act to repeal the several charters of the City and County of San Francisco, and to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, nor shall the ordinances or resolutions passed by the Board of Supervisors under the provisions of this Act be deemed to be such ordinances or resolutions as are mentioned in said section sixty-eight.

SEC. 4. The Board of Supervisors may order any work authorized by section three of this Act to be done, after notice of their intention so to do in the form of a resolution describing the work, and signed by the Clerk of said Board of Supervisors, has been published for the period of ten days in the paper doing the printing under this law, and also in two daily newspapers, one of which newspapers shall be published as a morning edition and one as an evening edition, printed and published in said city and county, for ten days, Sundays and non-judicial days excepted; *provided*, that no such notice shall be given or order made for the grading of any street mentioned in section three of this Act unless the majority of the frontage of the lots and land fronting on the work proposed to be done, and described in said resolution, or which is to be made liable for such grading, except public property, shall have been represented by the owners thereof, or by their agents, in a petition to the said Board of Supervisors, stating that they are the owners and in possession or agents of the lots named in the petition; and also requesting that such improvements or street work shall be done; and for any other character of street improvements the Board of Supervisors shall have power, without petition of the property owners, to give the notice prescribed in this section to be published in the manner hereinbefore provided, and to order the said work to be done. All owners of lands or lots, or portions of lots, who may feel aggrieved or have objection to the ordering of the work described in said notice, or who may have objections to any of the subsequent proceedings of the said Board of Supervisors in relation to the work mentioned in such notices of intention, or may have any objections to any of the acts of the Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco, in the discharge of any of the obligations or duties imposed upon him by virtue of his office, shall file with the Clerk of the said Board of Supervisors a petition or remonstrance, wherein they shall set forth in what respect they feel aggrieved, or the acts or proceedings to which they object, which petition or remonstrance shall be passed upon by said Board of Supervisors, and their decisions thereon shall be final and conclusive; but said Board of Supervisors shall not order the work described in said notices to be done unless all objections and protests that may have been presented and filed as aforesaid shall have been by them disposed of. Should the owners or agents of more than one half in frontage of the lots and lands fronting on the work proposed to be done, and designated in said notice or resolution, or liable to be assessed for work, file with the Clerk of the Board of

Supervisors shall order streets to be graded, after notice of intention to do so, on petition of majority of property holders.

Objection of land owners.

Objections
of land
owners.

Supervisors written objections against any grading described in said notice, at any time before the expiration of the publication of said notice of intention, and his publication thereof as hereinbefore provided, then and thereupon the said Board of Supervisors shall be barred from proceeding further for the period of six months; and the said Board of Supervisors shall not renew the notice of intention for doing any grading so protested against within six months, unless the owners or agents of a majority of the frontage of the lots and lands fronting on said grading, or liable to be assessed therefor as aforesaid, shall petition anew for the work to be done. At the expiration of any notice of intention the Board of Supervisors shall be deemed to have acquired jurisdiction to order any work to be done which is authorized by section three of this Act, except as hereinbefore provided; and it is further *provided*, that where any public street shall have been graded, or graded and macadamized, or graded and paved for the distance of two or more blocks upon each side thereof of any one or more blocks or crossing of a street which is not improved, it shall be the duty of the Board of Supervisors, upon the recommendation of the Superintendent of Public Streets, Highways, and Squares, to order the notice provided in this section to be given without the petition provided first aforesaid; and if the owners of three fourths of the frontage of the land and lots fronting on such portions of said streets to be graded or improved shall, within the time prescribed in said notice, file written objections to the improvement of the said street, the Board of Supervisors shall duly consider said objections before ordering said work; and if said Board of Supervisors shall decide and declare by an entry in the minutes of said Board of Supervisors that the objections so made are not good, thereupon the Board of Supervisors shall be deemed to have acquired jurisdiction to order any such street work to be done that is prescribed in said notice and in section three of this Act; *provided* further, that when one half or more of the grading, planking, macadamizing, paving, sidewalking, or sewerage of any one street lying between two main street crossings has been already performed, the Board of Supervisors may order the remainder of such grading, planking, macadamizing, paving, sidewalking, or sewerage to be done, notwithstanding the objections of any or all of the property owners.

Owners of
more than
one half in
frontage
may
petition
to have
streets
graded.

SEC. 5. The owners of more than one half in frontage of lots and lands fronting on any street, lane, alley, place, or court, mentioned in sections one and two of this Act, or their duly authorized agents, may petition the said Board of Supervisors to order any of the work mentioned in section three of this Act to be done; and the said Board of Supervisors may order the work mentioned in said petition to be done, after notice of their intention so to do has been published, as provided in section four of this Act. No order or permission shall be given to grade, or pile and cap, any street, lane, alley, place, or court in the first instance, or any portion thereof, without extending and completing the same throughout the whole width of such street, lane, alley, place, or court. When any such work has heretofore been done, or when any such work shall hereafter be done, in violation of this section, neither the lots, or portions of lots in

front of which such work has been or may be done hereafter, nor the owners thereof, shall be exempt from assessments made for the payment of the work afterward done to complete said street, lane, alley, place, or court to its full width, as provided in section eight of this Act.

SEC. 6. Before the awarding of any contract by the Board of Supervisors for doing any work authorized by section three of this Act, the Clerk of the Board of Supervisors shall cause notice to be conspicuously posted in the office of the Superintendent of Public Streets, Highways, and Squares, and also publish for five days, inviting sealed proposals for the work contemplated; which notice shall specify the time within which said work is to be performed, and shall contain specifications, to be furnished by said Superintendent of Public Streets, Highways, and Squares, substantially in the manner now adopted by the said Clerk of said Board of Supervisors; and all notices, resolutions, and orders required to be posted or published under the provisions of this law shall be posted or published, or both posted and published, as the law may require, by said Clerk, as a matter of course, and without any special direction or authority from said Board of Supervisors. Prior to the publication of the notice hereinbefore provided, the Superintendent of Public Streets, Highways, and Squares shall furnish specifications for the performance of any and all street work ordered by the Board of Supervisors, and authorized by section three of this Act, in which specifications shall be given, and the time within which the contract must be completed. All proposals shall be delivered to the Clerk of the Board of Supervisors, and said Board of Supervisors shall, in open session, open, examine, and publicly declare the same, and shall award said work to the lowest responsible bidder, and all bids shall be for a price payable in gold coin of the United States; *provided*, said Board of Supervisors may reject any and all bids, should they deem it for the public good, and also may reject the bid of any party who may be proved delinquent or unfaithful in any former contract with said city and county; and if all bids shall be rejected, the said Board of Supervisors shall direct the Clerk of said Board of Supervisors to again post said notice, and publish the same, as in the first instance. All proposals shall be accompanied with a check, payable at sight, on a bank or banking house in said city and county, duly certified, for the sum of five hundred dollars United States gold coin, payable to the order of the Clerk of the Board of Supervisors, and to be approved by him. And if the bidder to whom the contract is awarded shall for ten days thereafter fail or neglect to enter into a contract, as hereinafter provided, and to commence said work within five days thereafter, it shall be the duty of said Superintendent of Public Streets, Highways, and Squares to certify such failure on the part of said bidder to the Clerk of the Board of Supervisors, who shall thereupon draw the money due on said check, and pay it over to the Treasurer of the City and County of San Francisco, to be by him placed to the credit of the Street Department Fund. It is further *provided*, that all persons, owners included, who shall fail to enter into any contract as herein provided, or to complete the contracts entered

Notice of
contracts.

Specifica-
tions.

Failure to
enter into
contract.

When
work to
commence.

Bonds.

into, are hereby prohibited from bidding a second time for the same work; and in case of owners, they are hereby prohibited from electing to take the same work a second time, and from entering into any contract concerning the same. Notice of such award shall be published for three days (Sundays and non-judicial days excepted), and within five days after the first publication of said award the owners of a majority of the frontage of lots and lands liable to be assessed for said work, or their agents, and who shall make oath that they are such owners, or the agents of such owners, may elect to do the said work, and enter into a written contract to do the whole work at the price for which the same is awarded, upon giving the bond as hereinafter provided; and they shall commence said work within fifteen days from the first publication last above mentioned, and shall prosecute it diligently and continuously, and complete it within the time limited in the contract, or within any extended time; but should the said contractor, or the property owners, fail to prosecute the same diligently or continuously in the judgment of said Superintendent of Public Streets, Highways, and Squares, or complete it within the time prescribed in the contract, or within such extended time, then it shall be the duty of said Superintendent of Public Streets, Highways, and Squares to report the same to the Board of Supervisors, who shall, without further petition on behalf of the property owners, order the Clerk of the Board of Supervisors to advertise for bids, as in the first instance, and relet the contract in the manner hereinbefore provided; and it is further *provided*, that all contractors for street work shall, at the time of entering into said contract, execute a bond, payable to the City and County of San Francisco, with two or more sureties, in the sum of not less than one thousand dollars, and in such additional amount as may be fixed by said Superintendent of Public Streets, Highways, and Squares, conditioned for the faithful performance of said contract; and said sureties shall justify in double the amount of the penalty fixed in said bond, such sureties to justify before said Superintendent of Public Streets, Highways, and Squares, or his deputy, and the qualifications and responsibility of such sureties shall be the same as are now prescribed for sureties on the official bonds of the officers of said City and County of San Francisco; and it is further *provided*, that all contractors for street work, at the time of entering into contract, and giving the bond as hereinbefore provided, shall, in addition, execute a proper bond with two good and sufficient sureties, who must be freeholders of said City and County of San Francisco, in the sum of five hundred dollars (said sureties to justify in double the amount), conditioned that in case of the non-fulfillment of the contract, said sum shall be sued for and collected as liquidated damages to said City and County of San Francisco for such failure and neglect; and it shall be the duty of the City and County Attorney to sue for and collect said sum in any Court of competent jurisdiction, and pay the same into the City and County Treasury, to the credit of the Street Department Fund.

SEC. 7. The Superintendent of Public Streets, Highways, and Squares is hereby authorized, in his official capacity, to

enter into all written contracts, and to receipt all bonds authorized by this Act, and to do any other acts, either express or implied, that pertain to the street department under this Act; and said Superintendent of Public Streets, Highways, and Squares shall fix the time for the commencement and completion of the work under all contracts entered into by him, and may extend the time so fixed from time to time, under the direction of the Board of Supervisors; and it shall be the duty of the Superintendent of Public Streets, Highways, and Squares, on the execution of a contract to perform street work, or on the passage of a resolution by the Board of Supervisors directing an extension of time to be granted to complete a contract, to cause the same to be recorded in the office of the County Recorder of the City and County of San Francisco; and in issuing a certificate of an extension of time to be recorded, to specify in the same the number of the resolution of the Board of Supervisors, the date thereof, and the number of days granted for completion of the contract, a general description of the work, with the date of indorsement of said extension upon the original contract; and prior to the execution of a contract, and prior to granting or indorsing upon a contract as aforesaid any extension of time, to collect from said contractor or his assigns the sum of three dollars for each contract, and the sum of fifty cents for each and every extension of time. And the County Recorder of the City and County of San Francisco shall cause books of record to be prepared, to be entitled Record of Street Contracts, in which all contracts for the performance of street work, and all extensions of time granted by the Board of Supervisors, as certified to by the Superintendent of Public Streets, Highways, and Squares, shall be recorded, said books to be properly arranged and indexed, so as to facilitate reference thereto; and for each contract so recorded, said County Recorder of the City and County of San Francisco shall charge and collect the sum of three dollars, and for each extension of time the sum of fifty cents; and in all cases where said Superintendent of Streets, Highways, and Squares, under the direction of said Board of Supervisors, has extended the time for the performance of contracts, the same shall be held to have been legally extended. The work provided for in section three of this Act must in all cases be done under the direction and to the satisfaction of the Superintendent of Public Streets, Highways, and Squares, and the materials used shall be such as are required by the said Superintendent of Public Streets, Highways, and Squares, and all contracts made therefor must contain this condition, and also express notice that in no case (except when it is otherwise provided in this Act) will the City and County of San Francisco be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The assessment and apportionment of the expenses of all such work in the mode herein provided shall be made by the said Superintendent of Public Streets, Highways, and Squares.

Superintendent of Streets to enter into all written contracts.

Books of record.

Superintendent to make assessment.

SEC. 8. *Subdivision One*—The expenses incurred for any work

Assessment of expenses authorised by section three of this Act shall be assessed upon the lots and lands fronting thereon, except as hereinbefore specially provided, each lot or portion of lot being separately assessed in proportion to its frontage, at a rate per front foot sufficient to cover the total expense of the work.

Assessment of expenses *Subdivision Two*—The expense of all improvements (except such as done by contractors under the provisions of section fourteen of this Act), until the streets, street crossings, lanes, alleys, places, or courts are formally accepted as provided in section twenty-one of this Act, shall be assessed upon the lots and lands as provided in this section, according to the nature and character of the work; and after such acceptance, the expense of all work thereafter done thereon shall be paid by said City and County of San Francisco out of the Street Department Fund.

Assessment of expenses *Subdivision Three*—The expenses of work done on main street crossings, except such as are provided for in subdivision eight of this section, shall be assessed upon the four quarter blocks adjoining and cornering on the crossings; and each lot or part of lot in such quarter blocks fronting on such main street shall be separately assessed, according to its proportion of frontage on the said main street.

Assessment of expenses *Subdivision Four*—Where a street terminates at right angles in another main street, the expense of the work done on one half the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of the said street upon the lots fronting on the latter half of the street opposite such termination.

Assessment of expenses *Subdivision Five*—Where any small or subdivision street crosses a main street the expense of all work done on said crossing shall be assessed on all the lots or portions of lots half way on said small streets to the next crossing or intersection or the end of said small or subdivision street, if it does not meet another.

Assessment of expenses *Subdivision Six*—The expense of work done on the small or subdivision street crossings shall be assessed on the lots fronting upon such small streets, on each side thereof in all directions half way to the next street, place, or court, on either side respectively, or to the end of such street, if it does not meet another.

Assessment of expenses *Subdivision Seven*—When a small street, lane, alley, place, or court terminates in another street, lane, alley, place, or court, the expense of the work done on one half of the width of the street, lane, alley, place, or court opposite the termination shall be assessed upon the lots fronting on such small street, lane, alley, place, or court so terminating according to its frontage thereon, half way on each side respectively, to the next street, lane, alley, place, or court, or to the end of such street, lane, alley, place, or court, if it does not meet another, and the other half of the width upon the lots fronting such termination.

Official maps.

Subdivision Eight—The maps now in the office of the Superintendent of Public Streets, Highways, and Squares, showing the street crossings or spaces formed or made by the junction

or intersection of other streets with Market street, other than at right angles; also showing other street crossings adjoining fractional or irregular blocks (all of which crossings or spaces are colored on said maps and numbered from three to one hundred and fifty, inclusive), and heretofore certified by said Superintendent of Public Streets, Highways, and Squares—one adopted by a resolution of the Board of Supervisors (Number Fifteen Hundred and Seventy-eight), approved on the sixteenth day of December, eighteen hundred and sixty-one, and the other adopted by a resolution of the said Board of Supervisors (Number Three Thousand Two Hundred and Eighty-four), approved on the twenty-first day of March, eighteen hundred and sixty-four, which resolutions are copied on the face of said maps respectively, shall be deemed and held to be official maps for the purposes of this Act, and the same are hereby approved. And the expenses incurred for the work done on the said crossings or spaces formed by the junction or intersection of East street with Market street, and of other streets with Market street, and not squarely in front of and not properly assessable to lots fronting on such streets, and for the work done on said other street crossings and spaces, all of which are colored on said maps, shall be assessed on the contiguous, adjacent, and neighboring irregular or quarter blocks or lots of land which are of the same color as the crossings or spaces, and which have a number thereon corresponding with the number of the crossing or space on which the work has been done.

Subdivision Nine—In all the streets constituting the water front of the City and County of San Francisco, or bounded on one side by the property of said City and County of San Francisco, or crossings cornering thereon, or on the water front, the expense of the work done on that portion of said streets, from the center line thereof to the said water front, or to such property of the City and County of San Francisco bounded thereon and one fourth of their crossings, shall be provided for by the said City and County of San Francisco; but no contract for any such work will be given out except to the lowest responsible bidder after an observance of all the formalities required by this Act.

Subdivision Ten—When any work mentioned in section three of this Act (sewers, manholes, cesspools, culverts, crosswalks, crossings, curbing, grading, piling, and capping excepted) is done on one side of the center line of said streets, lanes, alleys, places, or courts, the lots or portions of lots fronting on that side only in front of which said work is done shall be assessed to cover the expenses of said work according to the provisions of this section.

Subdivision Eleven—The assessment made to cover the expenses of grading, mentioned in the proviso in section four of this Act, shall be assessed upon all the lands, lots, and portions of lots fronting on either side of said street, lying and being between the said main street crossings in the manner provided in subdivision one of this section. Before any work is done under a contract to complete the grading of a partially graded street, lane, alley, place, or court, under the provisions of section four of this Act, the City and County Surveyor shall ascertain as

Official
maps.

Streets
fronting on
the water,
or on city
property.
how
opened and
improved.

Work on
one side of
a street,
how
assessed.

Costs of
grading.

When done
by owners.

near as possible the number of cubic yards of grading done previous to the letting of the contract in front of each lot or parcel of land fronting upon the work or any street crossing under contract, and also ascertain the number of cubic yards of grading necessary to complete the grading included in the contract, and certify such estimates to the Superintendent of Public Streets, Highways, and Squares before the completion of the work included in the contract. And when any owner of a lot or lots fronting on said partially graded street, lane, or alley, place, or court, or any part liable to be assessed for the work under contract, has graded a part of the same and desires credit for grading done by him previous to the publication of the notice of intention, he shall apply to and receive from the City and County Surveyor a certificate of the amount of grading done by him or those under whom he claims or derails title, for which he is entitled to credit, which certificate shall be recorded in the office of the Superintendent of Public Streets, Highways, and Squares (in a book to be kept for that purpose, properly indexed, so that reference may be easily had thereto) previous to the completion of the grading under contract. And for all grading done prior to the passage of this Act, the owner of a lot or lots desiring credits shall file in the office of the Superintendent of Public Streets, Highways, and Squares a certificate of the City and County Surveyor when the work was performed, showing the number of cubic yards of grading done by him or those under whom he claims or derails title, which certificate shall be filed and recorded in the office of the said Superintendent of Public Streets, Highways, and Squares, and shall entitle the party named, or his successor in interest, to credit on the assessment for the amount specified; *provided*, no party shall be entitled to any credit in excess of his assessment; *provided*, however, that he shall not be allowed any credits at any time for any embankment made above or excavation made below the official grade; but the costs of removing such embankment or filling in such excavations shall always be charged exclusively to the owner or owners of the lot or lots of land fronting thereon, in addition to the pro rata rate which may be assessed to them. If the credit for grading, so certified as aforesaid in cubic yards or measurement, equals the proportional amount of grading which such owner would be obliged to do if no grading had been done on such street, lane, alley, place, or court, then such owner and his lot or lots shall be exempted from assessment for the remaining work; and if the grading done by such owner is less than his proportional share, then the work required to be done in front of his lot or lots, according to the original profile of the land previous to any grading thereon, shall be included in the assessment, and the work certified as aforesaid to have been done by him at his own expense, shall be credited to him at the contract rate; *provided*, that in making the assessment to cover the expense of any work mentioned in this section, the said Superintendent of Public Streets, Highways, and Squares may deviate from its provisions and assess such lots and lands fronting on any street, lane, alley, place, or court, as he may decide liable to assessment

for said work, which decision may be appealed from as herein-after provided.

Subdivision Twelve—Section one of an Act entitled an Act amendatory of and supplementary to an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section, but the property therein mentioned shall be subject to the provisions of this Act, and to be assessed for the work done under the provisions of this section. Section of an Act not applicable.

SEC. 9. After the contractor of any street work has fulfilled Assessment his contract to the satisfaction of the Superintendent of Public Streets, Highways, and Squares, the said Superintendent of Public Streets, Highways, and Squares shall make an assessment to cover the sum due for the work performed and specified in such contract, including incidental expenses (if any), in conformity with the provisions of this Act, and according to the character of the work done, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall allow the amount to be paid therefor, together with the incidental expenses (if any), the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot or portion of lot, if known to the Superintendent of Public Streets, Highways, and Squares. If unknown, the word "unknown" shall be written opposite the number of the lot (but an assessment made to a person not the owner shall not render such assessment illegal), and the amount assessed thereon, the number of each lot or portion of lot assessed; and shall have attached thereto a diagram, exhibiting each street or street crossing, lane, alley, place, or court on which any work has been done, and showing the relative location of each distinct lot or portion of lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of feet frontage assessed for said work and contracted for and performed, and such assessment shall in all cases be payable in gold coin of the United States.

SEC. 10. To said assessment shall be attached a warrant, Warrant. which shall be signed by the Superintendent of Public Streets, Highways, and Squares, and countersigned by the Auditor of said City and County of San Francisco, who, before countersigning it, shall examine the contract, the steps taken previous thereto, and the record of assessments, and must be satisfied that the proceedings have been legal and fair. The said warrant shall be substantially in the following form:

"FORM OF WARRANT.—By virtue hereof, I, (name of Superintendent), Superintendent of Public Streets, Highways, and Squares of the City and County of San Francisco, in the State of California, by virtue of the authority vested in me as said Superintendent of Public Streets, Highways, and Squares, do authorize and empower (name of contractor), (his or their) agent or assigns, to demand and receive the several assessments

upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

"SAN FRANCISCO, (date), eighteen hundred and —.

"(Name of Superintendent),

"Superintendent of Public Streets, Highways, and Squares.

"Countersigned by:

"(Name of Auditor),

"Auditor of the City and County of San Francisco."

Warrant,
assessment,
etc., to be
recorded.

Said warrant, assessment, and diagram shall be immediately recorded in the office of the Superintendent of Public Streets, Highways, and Squares, and, when certified and so recorded, the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and, when suit is commenced within said two years, said lien shall continue for six months after the final determination of said suit; and all assessment liens heretofore created shall continue in full force for two years from the date of the recording of said warrant, assessment, and diagram, respectively; and when suits have been or shall hereafter be commenced within said two years from the date of said recording, said liens shall continue and be in force until the end of six months from the final determination of said suits, respectively; and from and after the date of said recording of any warrant, assessment, and diagram, all persons mentioned in section twelve of this Act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, and diagram are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the said Superintendent of Public Streets, Highways, and Squares of the incidental expenses not previously paid by the contractor or his assigns; and, by virtue of said warrant, said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contract and assessment.

Collection
of assess-
ments.

SEC. 11. The contractor or his assigns, or some person in his or their behalf, shall call upon the person assessed or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment, in presence of the person making such payment, and shall also give a separate receipt, if demanded. Whenever the persons so assessed, or their agents, cannot conveniently be found, or whenever the name of the owner of the lot is stated as "Unknown" on the assessment, then the said contractor or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the Superintendent of Public Streets, Highways, and Squares, within ten days after its date, with a return indorsed thereon, signed by the contractor or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof.

Thereupon the Superintendent of Public Streets, Highways, and Squares shall record the return so made in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded, at full length, in a book to be kept for that purpose in his office, and shall sign the record. The said Superintendent of Public Streets, Highways, and Squares is authorized at any time to receive the amounts due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff, and he may release any assessment upon the books in his office on the production to him of the receipts of the party or his assigns, to whom the assessment and warrant was issued. And if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; *provided*, however, that in case any warrant is lost, upon proof of such loss a duplicate can be issued upon which a return may be made with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of one per cent per month until paid.

Superintendent may give discharge for assessments.

SEC. 12. The owner, contractor, or his assigns, and all persons, whether named in the assessment or not, feeling aggrieved by any of the acts or determinations of the said Superintendent of Public Streets, Highways, and Squares, in relation to the acceptance of work or to the assessment, or to any act, proceeding, matter, or thing done, suffered, or committed by him, shall, within fifteen days after the issuance of said assessment as provided, appeal to said Board of Supervisors as provided in this section, by briefly stating their objections in writing, and filing the same with the Clerk of said Board of Supervisors. Notice of the time and place of hearing, briefly referring to the subject matters of appeal and to the acts or determination objected to or complained of, shall be published for five days, Sundays and non-judicial days excepted. The said Board of Supervisors, on appeal, may correct, alter, or modify said assessment as to them shall seem just, and may annul the same, and may order a new assessment to be made in the manner by them directed; and may make any order or decision in relation to any contract or the performance thereof, or in relation to any of the acts of the contractor or the said Superintendent of Public Streets, Highways, and Squares, prior to the date of the hearing of said appeal. And all the decisions and determinations of said Board of Supervisors shall be final and conclusive upon all parties entitled to an appeal. The said warrant, assessment, and diagram shall be held prima facie evidence of the regularity and correctness of the assessment, and of the prior proceedings and acts of the said Superintendent of Public Streets, Highways, and Squares, and of the regularity of all the acts and proceedings of the Board of Supervisors upon which said warrant, assessment, and diagram are based.

Parties aggrieved may appeal.

Hearing.

Supervisors may correct assessments.

After jurisdiction to order any work has been obtained, no irregularity in any of the subsequent proceedings shall render any assessment illegal.

Contractors
may sue.

SEC. 13. At any time after the period of fifteen days from the day of the date of the warrant as hereinbefore provided, or if an appeal is taken to the Board of Supervisors, as is provided in section twelve of this Act, any time after five days from the decision of said Board of Supervisors, or after the return of the warrant or assessment after the same may have been corrected, altered, or modified, as provided in section twelve of this Act (but not less than fifteen days from the date of the warrant), the contractor, or his assigns, may sue, in his own name, the owner of the land, lot, or portions of lots assessed, on the day of the date of the recording of the warrant, assessment, and diagram, or on any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining due and unpaid, with interest thereon, as hereinbefore provided; and in all cases of recovery under the provisions of this Act, the plaintiff shall recover the sum of fifteen dollars in addition to the taxable costs, as attorney's fees, provided he shall waive the percentage on recovery as provided by law. Suit may be brought in any Court in said City and County of San Francisco; and in case any one or more of the items in the assessment or assessments are against owners thereof who cannot with due diligence be found, the service in each of such actions may be had either in manner as is now prescribed by the Civil Practice Act of this State, or in manner as is prescribed by an Act of the Legislature of the State of California, entitled "An Act supplementary to an Act entitled an Act in relation to suits brought for the collection of delinquent taxes, approved May twelfth, eighteen hundred and sixty-two, approved March twenty-fourth, eighteen hundred and sixty-four," and the remedies therein provided are cumulative. The Court in which such suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution or decree, as in other cases of the sale of real estate by the process of said Courts; and on appeal the appellate Court shall be vested with the same power to adjudge and decree a lien, and to order to be sold such premises on execution or decree, as is conferred on the Court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In bringing an action to recover street assessments the complaint need not show any of the proceedings prior to the issuance of the assessment, diagram, and certificate; but it shall be held legally sufficient if it shows the title of the Court in which the action is brought by the parties plaintiff and defendant, the date of the issuance of the assessment, the date of the recording thereof, the book and page where recorded, a general statement of the work done, a description of the lot or lots sought to be charged with the assessments, the amount assessed thereon, that the same remains unpaid, and the proper prayer for relief. In all suits brought to recover street assessments the proceedings therein shall be general and regulated by the provisions of this Act, and also,

Proceed-
ings, how
regulated.

when not in conflict herewith, by the Civil Practice Act of this State; but no defense shall be interposed except:

First—Want of jurisdiction to order work;

Second—That the assessment has been paid;

Third—Fraud in the assessment, or in any of the acts or proceedings prior thereto, setting out the facts showing such fraud.

It is hereby expressly provided that nothing but gold and silver coin of the United States shall be received in payment of street assessments, and the judgment or decree in every case shall be made payable in and entered for gold coin. Payments made in coin.

SEC. 14. The Superintendent of Public Streets, Highways, and Squares may require, at his option, by notice in writing, to be delivered to them personally or left on the premises, the owners, tenants, or occupants of lots or portions of lots liable to be assessed for work done under the provisions of this Act, to improve forthwith any of the work mentioned in section three of this Act in front of the property of which he is the owner, tenant, or occupant, to the center of the street or otherwise, as the case may require, or to remove all filth, sand, earth, or dirt from the street in front of his premises; and by a like notice, to be served personally upon the President or any officer of a railroad corporation or company or to be left at the office of said corporation or company, to require such corporation or company to improve forthwith any work mentioned in this Act which said corporation or company are required by law to do and perform, said notice to specify what improvement is required or work is to be done. After the expiration of five days the said Superintendent of Public Streets, Highways, and Squares shall be deemed to have acquired jurisdiction to contract for the doing of the work, or making the improvements, or the removing of the filth, sand, earth, or dirt required by said notice. If such improvement or work of cleaning be not commenced within five days after notice given, as aforesaid, and diligently, and without interruption, prosecuted to completion, the said Superintendent of Public Streets, Highways, and Squares may enter into a contract with any suitable person to make said improvement, or to do said cleaning, at the expense of the owner, tenant, or occupant, or railroad corporation or company, as the case may be, at a reasonable price, to be determined by said Superintendent of Public Streets, Highways, and Squares; and such owner, tenant, or occupant, or railroad corporation or company, shall be liable to pay the same. After the certificate referred to in section fifteen shall have been recorded in the office of [the Superintendent of] Public Streets, Highways, and Squares, the sum contracted to be paid shall be a lien, the same as provided in section ten of this Act, and also a lien upon the franchise and property of said corporation or company, and may be enforced in the same manner as other assessments. Notice of assessments.

SEC. 15. If the expense of such improvements or removing such sand, earth, dirt, or filth, after the completion thereof, be not paid to the contractor so employed, or his agent, or assignee, on demand, the said contractor, or his assigns, shall have the right to sue the owner, tenant, or occupant, or railroad corpo- Powers of Superintendent.

ration or company, under the provisions of this Act, for the amount contracted to be paid, and the certificate of the Superintendent of Public Streets, Highways, and Squares that the work has been properly done, and that the charges for the same are reasonable and just, shall be prima facie evidence of the amount claimed for said work and of the right of the contractor to recover the same in such action.

Powers of
Board of
Supervisors

SEC. 16. In addition, and as cumulative to the remedies above given, the Board of Supervisors shall have power, by ordinance, to prescribe the penalties that shall be incurred by any owner, tenant, occupant, or railroad corporation or company neglecting or refusing to make improvements or remove sand, earth, dirt, or filth, as provided for in section fourteen of this Act, which fines and penalties shall be recovered for the use of the City and County of San Francisco, by prosecution in the name of the people of the State of California, in the Police Judge's Court of the City and County of San Francisco, which shall have jurisdiction in all such cases. All fines collected hereunder shall be paid into the Treasury of the City and County of San Francisco, to the credit of the Street Department Fund, at least once in each week.

Who
deemed the
owners of
lots.

SEC. 17. The person owning the fee, or the person in the possession of lands, lots, or portions of lots, or buildings, under claim of ownership, or exercising acts of ownership over the same for himself, or as the administrator or guardian of the owner, or the person in whom on the day the action commenced appears the legal title to the land by deeds recorded in the Recorder's office in the City and County of San Francisco, shall be regarded, treated, and deemed to be the owner (for the purposes of this law), according to the intent and meaning of that word as used in this Act; and in case of property leased, possession by a tenant or lessee holding and occupying under an owner shall be deemed to be possession by such owner.

Records of
Superin-
tendent,
validity of.

SEC. 18. The records kept by the Superintendent of Public Streets, Highways, and Squares, in conformity with the provisions of this Act, and signed by him, shall have the same force and effect as other public records, and such records or copies thereof, duly certified by said Superintendent of Public Streets, Highways, and Squares, may be used in evidence with the same force and effect as the original assessments, diagrams, and warrants. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge.

Service of
notices.

SEC. 19. Notices in writing, which are required to be given by the Superintendent of Public Streets, Highways, and Squares, under the provisions of this Act, may be served by any police officer, and the fact of such service shall be verified by the oath of the person making it, taken before the Superintendent (who is hereby authorized to administer oaths), Police Judge, or any Judge, or Justice of the Peace; or such notices, whether verbal or written, may be delivered by the Superintendent of Public Streets, Highways, and Squares himself, or any of his deputies. The Superintendent of Public Streets, Highways, and Squares shall keep a record of the fact of giving such notices, and proof of service.

SEC. 20. When any street, or portion of a street, has been or shall hereafter be constructed to the satisfaction of the Committee on Streets, Wharves, Grades, and Public Squares of the Board of Supervisors, and the said Superintendent of Public Streets, Highways, and Squares, and shall have a brick sewer or cement pipe constructed therein, under such regulations as said Board of Supervisors shall adopt, the same shall be accepted by the said Board of Supervisors, and thereafter shall be kept open and improved by the said city and county, the expense thereof, together with all work done in front of city property, to be paid out of the Street Department Fund; *provided*, that the Board of Supervisors shall not accept of any portion of the street less than the entire width of the roadway (including the curbing and one block in length, or one entire crossing); and *provided* further, that the Board of Supervisors may, partially or conditionally, accept any street, or portion of a street, without a sewer or pipe therein, as above stated, if a sewer or pipe therein shall be deemed by them unnecessary; but the lots of land previously assessable for the cost of construction of a sewer or pipe shall still remain and be assessable for such cost, and for the cost of repair and restoration of the street damaged in the said construction, when a sewer or pipe shall be deemed necessary, the same as if no partial or conditional acceptance had ever been had. The said Superintendent of Public Streets, Highways, and Squares shall keep in his office a register of all accepted streets, the same to be indexed, so that reference may be easily had thereto.

Acceptance
of work by
Supervisors

SEC. 21. The said Superintendent of Public Streets, Highways, and Squares shall keep a public office, in some convenient place to be designated by the Board of Supervisors, and his office shall be kept open as in this Act required. He shall not, during his continuance in office, follow any other profession or calling, but shall be required to devote himself exclusively to the duties of his office. He shall be allowed not more than eleven deputies, to be by him appointed, from time to time; three of said deputies shall receive a salary of two hundred dollars per month each, and four of said deputies shall receive a salary of one hundred and fifty dollars per month each, and four of said deputies shall receive a salary of one hundred and twenty-five dollars per month each. It shall be lawful for the said deputies to perform all or any of the duties conferred by this Act upon the Superintendent of Public Streets, Highways, and Squares, under the direction of the said Superintendent of Public Streets, Highways, and Squares, except the acceptance or approval of work done; the Superintendent of Public Streets, Highways, and Squares, or his deputies, shall superintend and direct the clearing of all sewers in the public streets, and the expense of the same shall be paid out of the Street Department Fund, in the same manner as provided for the improvement of streets that have been finally accepted, as in this Act provided.

Superintendent,
office of.

Deputies.

SEC. 22. It shall be the duty of said Superintendent of Public Streets, Highways, and Squares, to see that the laws, orders, and regulations relative to the public streets and highways are carried into execution, and that the penalties therefor are rigidly enforced, as may be prescribed by the Board of Supervi-

Duties of
Superintendent.

sors. It is required that he shall keep himself informed of the condition of all public streets and highways, and also of all public buildings, parks, lots, and grounds of the said city and county, as may be prescribed by the said Board of Supervisors. He shall, before entering upon the duties of his office, give bonds to the city and county, in such sums as may be fixed by the said Board of Supervisors, conditioned for the faithful discharge of the duties of his office; and should said Superintendent of Public Streets, Highways, and Squares fail to see that the laws, orders, and regulations relating to the public streets and highways are carried into execution, after notice from any citizen of a violation thereof, the said Superintendent of Public Streets, Highways, and Squares and his sureties shall be liable upon his official bond to any person injured in his person or property in consequence of said official neglect.

Damages
to persons.

Liability of
officers.

SEC. 23. No recourse shall be had against said city and county for damage to person or property suffered or sustained by or by reason of the defective condition of any street or public highway of said city and county, whether originally existing or occasioned by construction, excavation, or embankment, or want of repair of said street or public highway, and whether such damage be occasioned by accident on said street or public highway, or by falling from or upon the same; but if any person while carefully using any street or public highway of said city and county, graded or in course of being graded, or carefully using any other street or public highway leading into or crossing the same, be injured, killed, lost, or destroyed, or any horses, animals, or other property be lost, injured, or destroyed through any defect in said street or public highway, graded or in course of being graded as aforesaid, or by reason of any excavation or embankment in or of the same, or by falling from or upon such embankment or excavation, then the person or persons upon whom the law may impose the duty either to repair such defect or to guard the public from the excavation, embankment, or grading aforesaid, and also the officer or officers through whose official neglect such defect remained unrepaired, or said excavation or embankment remained unguarded as aforesaid, shall be jointly and severally liable to the person or persons injured for the damages sustained.

City and
County
Surveyor.

SEC. 24. The City and County Surveyor shall be the proper officer to do the surveying and other work which may be necessary to be done under sections one and two of this Act, and to survey, measure, and estimate the work done under contracts for grading streets; and every certificate of work done, given by him, signed in his official character, shall be prima facie evidence in all Courts in this State of the truth of its contents. He shall also keep a record of all surveys made under the provisions of section one of this Act as in other cases. The Superintendent of Public Streets, Highways, and Squares shall measure and determine any other work which may be done under the provisions of this Act.

Meaning of
words used.

Second—The words "improve," "improved," and "improvements," as used in this Act, shall include all necessary repairs of all work mentioned in section three of this Act, and also the reconstruction of all or any portion of said work.

Third—The term "main street," as used in this Act, means such street or streets as bound a block; the term "street" shall include crossing.

Fourth—The word "block" shall mean the blocks which are known or designated as such on the map and books of the Assessor of said City and County of San Francisco.

Fifth—The term "incidental expenses" shall mean the expense for work done by the City and County Surveyor under the provisions of this Act; also, the expense of printing, measuring, and advertising the work done under contracts for grading.

Sixth—The publication of notices required by the provisions of this Act shall be published daily (Sundays and non judicial days excepted) in the newspaper doing the printing by contract for the said City and County of San Francisco. Notices, publication of.

Seventh—The word "paved," within the meaning of this Act, shall be held to mean and embrace pavement of stone, iron, wood, or other materials which the Board of Supervisors shall by ordinance adopt, whether patented or not. Meaning of the word "paved."

SEC. 25. All assessments hereafter to be made, to cover the expense of work provided for by contracts awarded prior to the passage of this Act, shall be assessed by the Superintendent of Public Streets, Highways, and Squares in manner as is provided by the law in relation to assessments in force at the time said work was awarded. The office of the Assistant City and County Attorney is hereby abolished, and the City and County Attorney is hereby substituted for such officer, for the purposes of the prosecution and collection of the assessments issued under the provisions of the Act approved April fourth, eighteen hundred and seventy, and is invested with the same authority to commence suits, and prosecute and continue all suits now pending; *provided*, that any contractor or his assigns, for whose benefit any such assessment may have been made, may at his or their option collect the same, in which event the City and County of San Francisco shall be liable and responsible for no part or portion of such assessment. Any assessment, diagram, and certificate in the possession of the Superintendent of Public Streets, Highways, and Squares, or of the Tax Collector, or of the City and County Attorney, made in pursuance of the Act approved April fourth, eighteen hundred and seventy, shall, on demand of the contractor named therein, or his assigns, be delivered to him or them, as the case may be, and thereupon all moneys which have been collected on account of said assessment shall be paid to the City and County Treasurer, as provided by the Act approved April fourth, eighteen hundred and seventy, and by the Treasurer paid over to the parties entitled thereto; such delivery of the assessment, diagram, and certificate, or either, shall terminate the liability of the City and County of San Francisco in the matter involved therein; and the reception of the assessment, diagram, and certificate, or either, shall be held to be a waiver on the part of the said contractor, or his assigns, of any claims whatever thereunder against said city and county. Immediately upon such delivery, the said contractor and his assigns shall be fully empowered to collect such assessment in the manner herein provided for the Assessments for work prior to passage of Act.

Assistant City and County Attorney.

collection of assessments made, or to be made, under the provisions of this Act. The Mayor, by and with the consent of the Board of Supervisors, is hereby empowered to allow the City and County Attorney such assistance as may be necessary for the purposes of this section, at an expense not exceeding two hundred and fifty dollars per month, payable out of the General Fund.

Superintendent and deputies to control all street improvements.

SEC. 26. The Superintendent of Public Streets, Highways, and Squares, and his deputies, shall take charge of and superintend the construction or improvement of each and every sewer, and of piling and capping, and of repiling and recapping, paving and repaving, macadamizing and remacadamizing, and all other street work and improvements; and it shall be their duty to see that the contract made for the doing of said work is strictly fulfilled in every respect. It shall be the duty of the Superintendent of Public Streets, Highways, and Squares, or any of his deputies, to enter upon a record book, to be kept in the office of said Superintendent of Public Streets, Highways, and Squares for public inspection, entries under appropriate headings, showing how often, at what time, and by whom the work has been inspected, and in what manner the same is being performed; and on the completion of said work, and prior to the issuance of the assessment therefor, if the work has been performed and completed in accordance with the terms of the contract and specification, an entry certifying to the same, signed by the aforesaid Superintendent of Public Streets, Highways, and Squares, or any of said deputies, who have had charge of and superintended the work performed.

Acts and parts of Acts repealed.

SEC. 27. Article four, embracing sections from thirty-six to sixty-four inclusive, of an Act entitled "An Act to repeal the several charters of the City of San Francisco and to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof," approved April nineteenth, eighteen hundred and fifty-six, and sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, and fourteen of an Act entitled "An Act amendatory to an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof," approved April nineteenth, eighteen hundred and fifty-six, approved March twenty-eighth, eighteen hundred and fifty-nine, and sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, sixteen, and seventeen of an Act entitled "An Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, and to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof," approved April nineteenth, eighteen hundred and fifty-six; and of an Act amendatory and supplementary thereof, approved the eighteenth day of April, eighteen hundred and fifty-seven; and of an Act amendatory thereof, approved the twenty-eighth day of March, eighteen hundred and fifty-nine; and supplementary to said Acts, approved May the eighteenth, eighteen hundred and sixty-one; and an Act amendatory of Article fourth of an Act entitled an Act to repeal the several charters of the City of San Fran-

cisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article fourth, approved April twenty-fifth, eighteen hundred and sixty-two; and an Act to amend an Act entitled an Act amendatory of Article fourth of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four inclusive; and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article four, approved April twenty-fifth, eighteen hundred and sixty-two, approved March thirty-first, eighteen hundred and sixty-six; and an Act to amend an Act entitled an Act amendatory of Article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article four, approved the twenty-fifth day of April, eighteen hundred and sixty-two, approved March twenty-sixth, eighteen hundred and sixty-eight; and an Act entitled an Act to amend sections one, two, nine, ten, and seventeen of an Act entitled an Act amendatory of Article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article four, approved April twenty-fifth, eighteen hundred and sixty-two; and to amend sections one and five of said Act amendatory of the Act aforesaid, approved April twenty-fifth, eighteen hundred and sixty-three; and to amend section two of an Act amendatory of the Act first mentioned aforesaid, approved March thirty-first, eighteen hundred and sixty-six; and to amend sections one, three, and four of an Act amendatory of the Act first mentioned aforesaid, approved March twenty-sixth, eighteen hundred and sixty-eight, being the original sections one, two, four, six, nine, ten, eleven, twelve, thirteen, seventeen, and twenty-one of the Act mentioned first aforesaid; and to repeal an Act for paving the streets in the City and County of San Francisco, approved March fourteenth, eighteen hundred and sixty-eight, approved April fourth, eighteen hundred and seventy; and also an Act entitled an Act to provide for paving the streets in the City and County of San Francisco, approved April second, eighteen hundred and sixty-six; all and singular, and all Acts and parts of Acts in conflict with this Act are hereby repealed;

Acts and
parts of
Acts
repealed.

and this Act shall be deemed to be substituted in place of said Article four, and as amendatory of the Act first above recited in this section, and held as a part thereof; and all advertisements being published at the date of the passage of this Act shall be published for the respective periods provided by the law in force at the time the publication may have been commenced.

Act to be
liberally
construed.

SEC. 28. This Act shall be liberally construed to carry out the intentions and purposes of this Act, and shall not be construed so as to affect any contracts heretofore awarded or assessments issued.

SEC. 29. This Act shall be a public Act and take effect from and after its passage.

CHAPTER DLXIII.

An Act to provide for the establishment of a Cabinet Department in the State Library.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duty of
State
Librarian.

SECTION 1. It shall be the duty of the State Librarian to receive, arrange, and properly display, and take charge of, in the State Library, the minerals, precious metals, mineralogical, geological, and fossiliferous specimens, and precious stones hereinafter mentioned and referred to, or which may hereafter become the property of the State by purchase or by presentation.

Governor
to appoint
appraisers.

SEC. 2. The Governor shall appoint three suitable and disinterested persons, who shall act without compensation, and shall examine and appraise the cabinet of minerals, precious metals and stones, and various specimens composing the cabinet belonging to J. M. Frey, of the City of Sacramento, and upon their making report to the Governor to the effect that the said cabinet is fully worth the sum of thirteen thousand dollars, the State shall become the purchaser and owner of the said cabinet; *provided*, that if said report shall not recommend the said purchase, it shall not be made.

Appropriation.

SEC. 3. The sum of thirteen thousand dollars is hereby appropriated out of any unappropriated money in the General Fund to purchase the said cabinet.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER DLXIV.

An Act granting certain lands and buildings, known as "The State Reform School Property," to the City of Marysville.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of the State of California in and to all the lands and tenements known as "The State Reform School Property," and more fully described in deed from Charles Coville to the State of California and the City of Marysville, dated January thirty-first, A. D. eighteen hundred and sixty-two, and recorded in Deed Book Number Fifteen, pages four hundred and six and four hundred and seven, of Yuba County Records, is hereby given, granted, and relinquished to the City of Marysville. State Reform School property.

SEC. 2. The Mayor and Common Council of the City of Marysville are hereby authorized and empowered to enter into and take possession of the lands and tenements described in section one of this Act, and to hold, lease, sell, or otherwise dispose of said lands and tenements in such manner and at such times as they may deem proper and for the best interest of the said City of Marysville. To revert to City of Marysville.

SEC. 3. This Act shall take effect immediately.

CHAPTER DLXV.

An Act to put into effect certain parts of the Political Code.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Article II of Chapter VI of Title I of Part III of the Political Code shall take effect from and after the passage of this Act. The Political Code.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER DLXVI.

An Act in relation to foreign corporations.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

A resident
must be
designated
upon whom
process
may be
served.

SECTION 1. Every corporation heretofore created by the laws of any other State and doing business in this State shall, within one hundred and twenty days after the passage of this Act, and any corporation hereafter created and doing business in this State, within sixty days from the time of commencing to do business in this State, designate some person residing in the county in which the principal place of business of said corporation in this State is, upon whom process issued by authority of or under any law of this State may be served, and within the time aforesaid shall file such designation in the office of the Secretary of State; and a copy of such designation, duly certified by said officer, shall be evidence of such appointment; and it shall be lawful to serve on such person so designated any process issued as aforesaid. Such service shall be made on such person in such manner as shall be prescribed in case of service required to be made on foreign corporations, and such service shall be deemed to be a valid service thereof.

Penalty for
failure to
designate.

SEC. 2. Every corporation created by the laws of any other State which shall fail to comply with the provisions of the first section of this statute shall be denied the benefit of the statutes of this State limiting the time for the commencement of civil actions.

Privileges
on com-
pliance.

SEC. 3. Every corporation created by the laws of any other State which shall comply with the provisions of the first section of this statute shall be entitled to the benefit of the statutes of this State limiting the time for the commencement of civil actions.

CHAPTER DLXVII.

An Act to provide for the location, construction, and maintenance of public roads in the County of Colusa.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public
highways.

SECTION 1. All roads in the County of Colusa which have been located as public highways by order of the Board of Supervisors, and which have been recorded in the county records as public highways, or which hereafter may be located

and recorded as such, are hereby declared to be public highways.

SEC. 2. The Supervisor districts of the County of Colusa shall constitute the road districts of the county, which shall bear the same numbers as the Supervisors districts. The Board of Supervisors, at its regular meeting in May, eighteen hundred and seventy-two, and at its regular meeting in May every year thereafter, shall appoint a Road Commissioner for each road district, who shall hold his office for one year, and until his successor is appointed and qualified; *provided*, that the Board may at any time remove the Road Commissioner at its pleasure.

SEC. 3. Each Road Commissioner, before entering upon the discharge of his duties, shall take the oath of office, and execute a bond to the people of the State of California, with two sufficient sureties, in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, to be approved by the Board of Supervisors, and filed with the County Clerk. Each Commissioner may appoint deputies, for whose conduct he shall be responsible.

SEC. 4. The Road Commissioner, immediately after entering upon the duties of his office, shall divide the public roads in his district in sections, not more than six miles nor less than three miles in length, and number and describe the same in a book, to be called "Road District Number — Road Book," and distinctly specify therein the work necessary for the improvement and to keep in repair and good condition the public roads in that district. Any bridge, the cost of the repair or construction of which shall exceed the sum of one hundred dollars, shall be excluded from the section of road in which it is situate, and shall constitute a separate section and be separately sold or contracted for.

SEC. 5. The Commissioner shall, at the first regular meeting of the Board of Supervisors after the book is completed, report to the Board the matters therein contained, and the Board, by a majority vote, may modify or amend the report, or assent thereto, and which shall then become the warrant of the Commissioner for the performance of his duties.

SEC. 6. Each Commissioner shall annually attend at some particular place in his district and sell at public auction, for the term of one year, each section or subdivision of the public roads in the district, to the lowest bidder; but the Commissioner may refuse any bid which he deems too high; and if any section remains unsold, he may let out such section at private contract, for such sum as he may deem reasonable, not to exceed the amount of the lowest responsible bid rejected by the Commissioner for the same section.

SEC. 7. Each Commissioner, within ten days after the adoption of his report by the Board of Supervisors, shall give public notice, for at least two weeks, by printed notices posted in not less than six public places in the district, that he will attend at a particular place and time, designating the time and place, and sell to the lowest bidder each section of road in the said district.

SEC. 8. When any bid has been accepted it shall be taken to mean that the person bidding agrees to keep in repair and in

Bids
accepted
are
contracts.

good condition the section upon which he bids, and to comply with all the requirements and specifications named in the Commissioner's district road book, or as stated by the Commissioner at the time of sale in relation to said section, and that he agrees to do and perform the same for and no more than the sum bid by him to be paid to him as hereinafter provided, such contract to be considered as an entire contract. The Commissioner shall not be directly or indirectly interested in taking and keeping in repair any section or contract so let.

Bonds of
contractors.

SEC. 9. Each purchaser or contractor shall execute a bond to the people of the State of California, with two sureties, who shall justify in the manner required of sureties on official bonds in the penal sum of double the amount of the bid or contract price conditioned for the faithful performance of the specifications in the contract; the bond shall be approved by the Board of Supervisors. All bonds, contracts, and agreements required by this Act shall be filed with the Clerk of the Board of Supervisors, who shall, on payment to him of the legal fees therefor, make out and deliver to any person applying therefor duplicates of the same.

Signatures.

SEC. 10. The person purchasing or contracting for any section of road shall write his name in the Commissioner's book opposite the description of the section contracted for, and write also the amount of the purchase or contract price therefor.

Duties of
purchasers
and contractors.

SEC. 11. It shall be the duty of the purchaser or contractor to keep his respective section of road in good and substantial repair during the term of the contract, and should he neglect or refuse to make the improvements, or to keep in repair the section so purchased or contracted for according to the terms and specifications of the contract, upon complaint being made to the Commissioner, it shall be his duty, if he deem the complaint well founded, to give notice to the party complained of to make the improvements and put his section of the road in good repair, according to the terms of the contract, within ten days thereafter. If he refuses or neglects to comply with such notice, at the expiration of ten days thereafter the Road Commissioner may declare the contract forfeited, and may proceed to have the section improved or repaired according to the terms specified in the contract. He shall resell the section in the manner provided for in the first instance, or if he deem it for the interest of the county, may by day's labor have the same performed; but the cost in neither case shall exceed the sum at which the section was first let or sold.

Resales of
sections.

Transfer of
contracts.

SEC. 12. Contracts for opening, repairing, or improving shall not be transferred to a third party without notice to and the consent of the Commissioner; and the consent, in writing, of the Board of Supervisors, by a majority vote of the members, shall be necessary to release the first contractor and his sureties. The Road Commissioners shall require a bond from the second contractor or purchaser in like form and amount required of first purchaser. In case of the death, removal, or otherwise disability of any contractor or contractors to comply with the terms of the contract, it shall be the duty of the Road Commissioners to sell the unexpired term of the purchase or

contract at public sale or at private contract, as hereinbefore provided.

SEC. 13. The Road Commissioner shall take charge and supervision of all the public roads in their respective districts, and lay out new roads or parts of roads, and vacate and alter any parts of the existing roads that may hereafter be established by law, if he shall deem it necessary, in the manner hereinafter provided. Duty of Commissioner.

SEC. 14. When any person desires to have a new road laid out as a public road, or an existing road vacated, altered, or changed, he shall petition the Road Commissioner, by a petition signed by at least twelve property holders, taxpayers and residents of the vicinity of the new road proposed or the place of the change or alteration of the old road, setting forth in detail a description of the road, stating the point where the same will commence and where it will terminate, and the reason for establishing such new road, or altering, vacating, or changing the old one. Petitions for roads.

SEC. 15. Upon receiving such petition, the Road Commissioner shall give public notice thereof for a period of at least twenty days, by posting along the line of the road proposed to be established, altered, or changed one printed notice for each one half mile of said road or part thereof, and by two publications in some newspaper published in the county, stating the time when and the place where he will meet the parties interested to decide upon the petition, and notifying all persons interested therein to be and appear before him at such time and place. Publication of notice.

SEC. 16. If after such meeting the Commissioner determines that the establishment of the new road, or alteration or change of the old one, is not demanded by the public interest, or that the expense and costs thereof would be greater than could be paid by the Road Fund, no further proceedings shall be had; but should the Road Commissioner decide otherwise, he shall immediately appoint two disinterested persons, residents of the county and taxpayers, who, with the Road Commissioner, shall view out and locate the new road, or change, or alter, or vacate the old road, in accordance substantially with the petition, and make an estimate of the cost thereof, and appraise the damages that may accrue thereby to any person or persons by reason of the road passing through private lands. The estimates and appraisement shall be in writing, showing the details, and signed by the Commissioner and the Viewers, and shall be presented to the Board of Supervisors for its approval. Viewers.

SEC. 17. If the Board approve the report, it shall immediately declare such new road a public highway, and have the same entered of record. The Road Commissioner of the district where the road is situate shall divide such road into sections, and record the same in his record or road book, and have the same sold, contracted for, or made, as above provided in this Act. Estimates.

SEC. 18. Any person having an interest therein and who shall be dissatisfied with the decision of the Road Commissioner as provided in section sixteen of this Act, may appeal therefrom to the Board of Supervisors, before whom all proceedings Decision by the Board.

SEC. 19. Any person having an interest therein and who shall be dissatisfied with the decision of the Board of Supervisors as provided in section sixteen of this Act, may appeal therefrom to the Court of Appeals, before whom all proceedings Appeals.

may be had as provided in this Act to be had before the Road Commissioner. Upon the appeal being taken, the Road Commissioner must file with the Board of Supervisors a written statement, giving in detail the reasons for his decision, and the decision of the Board shall be final.

Claims for damages. SEC. 19. Any person owning or claiming lands through or upon which it is proposed to locate a public highway, and who did not join in the petition, and desiring to claim damages in consequence of such location, shall make application by petition in writing to the Road Commissioner on or before the day set for the hearing, as provided in section fifteen of this Act.

Guardians' duties. SEC. 20. All legal guardians of minors, idiots, or insane persons shall take all measures necessary in the premises for the protection of their wards.

Waiver of rights. SEC. 21. All persons who fail to make application for damages within the time and substantially in the manner specified in this Act, shall be deemed to have waived all right to damages, and such failure shall be a bar to any action for damages in any Court of this State, and such failure shall be conclusive evidence of having dedicated the land claimed for the road for such road, and the title to the same shall vest in the county.

Actions for damages. SEC. 22. Any person claiming damages on account of the location or alteration of any road, and who has given notice of his intention to claim damages as provided in this Act, and who shall be dissatisfied with the damages awarded by the Commissioner and Road Viewers, and who refuses to receive the same, he shall, within ten days after the time of final hearing, commence an action against the county by name, for such damages, in a Court of competent jurisdiction; which action shall be conducted in like manner as other actions in civil cases in the Courts of justice of this State, except as hereinafter provided.

Complaint. SEC. 23. The complaint shall be in writing, and the summons, with a copy of the complaint, shall be served upon the Clerk of the Board of Supervisors. The Clerk shall notify, in writing, the Chairman of the Board and the District Attorney of the county, of the commencement of such action; which notice shall be sufficient notice to the county, and it shall be the duty of the District Attorney to appear on behalf of the county in any Court in which the action is begun.

Summons. SEC. 24. The summons shall state the parties to the action, the cause and general nature of the action, and require the county to appear and answer the complaint within ten days after the first day of the next regular meeting of the Board of Supervisors after the service of the summons.

Bond required. SEC. 25. The plaintiff, at the time of filing his complaint, shall also execute and file a bond in the sum of one hundred dollars, with two sureties, residents and householders of the county, who shall each justify in double the amount of the bond, conditioned that the plaintiff will pay all costs awarded to the county, not exceeding the amount of the bond, if the plaintiff shall fail to recover a greater amount of damages than was awarded or appraised by the Commissioner and Road Viewers in the first instance, and all costs shall be taxed against him in such case. If the costs are not paid within thirty days after the entry of the judgment, the District Attorney shall begin

Payment of costs.

suit against the said plaintiff and his sureties, or may have execution issued for the collection of the same.

SEC. 26. In all proceedings relating to the viewing and surveying and locating new roads, or changing or altering any old road, the expenses attending the same shall be paid by the county, provided the same shall not exceed the sum of twenty-five dollars. No other charge shall be made, except upon the order of the Board of Supervisors. Expenses paid by county.

SEC. 27. It shall be the duty of the Road Commissioner to inspect all the public roads in his district at least twice in each year—first in the month of April or May, and second in the month of November or December. He shall also inspect the work of each contractor at its completion; and upon any emergency requiring the same, may employ any force or means to prevent or repair any sudden destruction or damage to any section of road in his district. He shall be the custodian of all public property belonging to the county and used on the public roads in his district, and shall be responsible for its loss. He shall deliver it to his successor and take a receipt therefor, which shall specify each article. Inspection of roads.

Public property.

SEC. 28. Whenever any contract awarded under the provisions of this Act shall have been done and completed according to its terms, the Commissioner awarding the same shall certify his acceptance and approval of the work or materials furnished thereunder to the County Auditor, specifying at the same time the amount due therefor. The Auditor shall thereupon draw his warrant on the County Treasurer for said sum in favor of the contractor, payable out of the Fund appropriated for his district. Payments on contracts.

SEC. 29. If the Commissioner shall not accept or approve of the work done by any contractor, and the contractor be dissatisfied with the decision of the Commissioner, he may make application to the County Judge, who shall appoint three persons, competent and not interested, whose duty it shall be to make inspection of the work and report to the County Judge whether the work has been performed according to the contract, which report shall be final and conclusive of the subject. If the report confirms the decision of the Commissioner, the contractor shall pay all costs of the proceedings, which may be entered as of judgment in the County Court and be collected as other costs. The persons appointed by the County Judge shall receive for their services each five dollars per day for each day necessarily engaged. Examination of rejected work.

SEC. 30. The Road Commissioner of each district shall keep a correct account of all sums due, or claimed to be due, to any contractor or purchaser of sections of the public roads in his district, and of all amounts, accounts, and contracts certified by him to the County Auditor in favor of any contractor, and of all sums expended by him for repairs of any road where the contractor or purchaser refused or neglected to perform his contract, and under oath report the same semi-annually, on the first Monday of January and July of each year, to the Board of Supervisors. Keeping of accounts.

Reports.

SEC. 31. Upon receiving the report, the Board shall make a settlement with the Road Commissioner, and shall allow him Payments to Commissioners.

for each day's service actually and necessarily performed in pursuance of his duties the sum of four dollars, payable out of the Road Fund of his district.

Levy of
road tax.

SEC. 32. The Board of Supervisors of the County of Colusa shall annually, at the time of levying State or county taxes, levy a road tax, not to exceed sixty cents upon each one hundred dollars value of taxable property of the county, for road purposes, to be collected at the same time and manner as other property taxes are collected. The tax thus levied and collected shall be paid into the County Treasury for the benefit of the public roads of the county, and shall constitute the "County Road Fund." Nothing in this section shall affect the tax already levied for the current year.

County
Road
Fund.

Apportion-
ment of
revenue.

SEC. 33. At the first regular meeting of the Board of Supervisors after the passage of this Act, the Board shall make an estimate of the amount of the revenue to be derived in eighteen hundred and seventy-two from the tax for road purposes, and shall apportion the same among the several districts for the guidance of the Road Commissioner on awarding contracts, which amounts shall bear, as near as can be, a relation to the amount of road taxes to be collected in each district for the current year.

Annual
estimates.

SEC. 34. At the time of the annual levy of the road tax hereafter made, the Board shall make an estimate of the amount of revenue to be received into the Road Fund during that year, and shall, at the same time, apportion the same among the several road districts, and the sum so apportioned shall bear as near a relation as possible to the amount anticipated to be received from each district. The Board may leave unapportioned to each district the sum of two thousand dollars, which may be expended for road purposes as the Board may direct. The Road Commissioners are authorized to expend the amount so appropriated or received into the Fund for his district, and no more. The County Treasurer shall keep an account of the funds apportioned to each road district, in separate accounts, and shall pay no warrants except out of its appropriate Fund.

Reserve
Fund.

Limitation.

Duty of
Assessor.

SEC. 35. The Assessor shall, in making his assessment book, provide suitable columns, appropriately headed, for each road district, in which he shall make the mark "1" opposite the name of each taxpayer, in the appropriate column, to designate the road district in which the property assessed is situated. He shall also provide a column headed "Road Tax," in said assessment book or roll.

County
Auditor.

SEC. 36. The Auditor of the county, at the time he carries out the taxes for State and county purposes, shall also carry out the road tax, and insert the same in the column marked "Road Tax;" he shall also foot up the amount of tax to be received from the taxpayers in each road district, and certify the same to the Board of Supervisors. The taxes received from each road district shall be apportioned and set apart to such district, and no part thereof shall be expended in any other district.

Vacancies.

SEC. 37. Whenever a vacancy occurs in the office of Road Commissioner by removal from office, by resignation, or other-

wise, the Board of Supervisors shall appoint another person to act as Road Commissioner, who shall qualify in the manner hereinbefore prescribed, and shall hold his office until his successor is appointed and qualifies.

SEC. 38. Suit may be brought against the Road Commissioner and his sureties, either by a citizen of the county or by the Board of Supervisors, for willfully neglecting or refusing to perform the duties of his office, or for malfeasance in office, in any Court of competent jurisdiction, and damages may be awarded against the Commissioner and in favor of the county, and be collected as prescribed by law.

SEC. 39. If any person shall willfully and unlawfully obstruct any public highway in any manner whatever, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace in the county, shall be punished by a fine in any sum not less than twenty nor more than fifty dollars, or by imprisonment in the County Jail not less than twenty nor more than fifty days, or by both such fine and imprisonment.

SEC. 40. The Justice of the Peace before whom the conviction is had may order the removal of the said obstruction, and the person so ordered to remove the same shall forfeit five dollars for each day he suffers the obstruction to remain; the amount so forfeited may be added to the fine, and collected by process of execution, as other judgments are collected.

SEC. 41. Any person may dig or construct any ditch across any public highway for the purpose of conveying water for mechanical, agricultural, or manufacturing, or other useful purpose; but he shall construct across the ditch, in the line of the road, at his own cost and expense, and keep the same in constant repair, good and substantial bridges; *provided*, that the consent of the Road Commissioner, or the Board of Supervisors, shall first be obtained before such ditch shall be dug. Each bridge shall be not less than sixteen feet in width, and be constructed under the direction of the Road Commissioner.

SEC. 42. If the owner of the ditch shall fail to construct the bridge, or to keep the same in repair, or shall dig the ditch before obtaining the consent of the Commissioner of the district or the Board of Supervisors thereto, he shall be deemed guilty of obstructing the public highway, and shall be punished as above provided.

SEC. 43. All fines and forfeitures collected under the provisions of this Act shall be paid into the County Treasury for the benefit of the County Road Fund.

SEC. 44. The term highway, whenever used in this Act, means and includes all bridges, fords, causeways, lanes, and alleys, and the words public highways and public roads are synonymous.

SEC. 45. All Acts and parts of Acts in conflict herewith, so far as the same conflict, are hereby repealed.

SEC. 46. This Act shall go into effect from and after its passage.

CHAPTER DLXVIII.

An Act to appropriate money for contingent expenses of the Senate at the nineteenth session of the Legislature.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Appropriation.** SECTION 1. The sum of seven thousand dollars is hereby appropriated out of any money in the General Fund of the State Treasury, not otherwise appropriated, to pay contingent expenses of the Senate at its nineteenth session.
- Exemption** SEC. 2. This Act shall take effect from and after its passage, and the sum herein appropriated shall not be subject to the provisions of the Act creating the Board of Examiners and to define their duties, approved April twenty-first, eighteen hundred and fifty-eight.

CHAPTER DLXIX.

An Act amendatory of an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties in this State and to provide for a bounty for the same.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Repealed as to Contra Costa.** SECTION 1. Section two of the Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State and to provide for a bounty for the same, approved March sixteenth, eighteen hundred and seventy, so far as said Act refers to the County of Contra Costa, is hereby repealed.
- SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DLXX.

An Act to provide for funding the indebtedness of the reclamation and levee districts of the State.

[Approved March 30, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor shall, within thirty days after the passage of this Act, and every four years thereafter, appoint three persons, who shall constitute a Board, to be known as Reclamation Fund Commissioners, who shall provide an official seal, and have the powers and perform the duties hereinafter provided. They shall hold office for four years and until their successors are appointed. They shall have an office in the State Capitol, and shall organize by the appointment of one of their number as President of the Board, and a Secretary, who shall not be a member of the Board. They shall each give bonds for the faithful performance of their duties in the sum of twenty-five thousand dollars, to be approved and filed in the same manner as the official bonds of State officers. The compensation of the President of the Board shall be two hundred and fifty dollars per month; of the other members, two hundred dollars per month; and of the Secretary, one hundred and fifty dollars per month; which, together with the necessary expenses of their office, shall be audited and allowed by the Board of Examiners. On such allowance, the Reclamation Fund Commissioners shall pay the same out of the Reclamation Expense Fund hereinafter provided. All vacancies occurring in the said Board shall be filled by the Governor for the unexpired term.

SEC. 2. Whenever in any reclamation district the Trustees, or the owners of the land in case there be no Trustees, or the Engineer of any levee district, have reported or may hereafter report to the Board of Supervisors the plans and estimates of the cost of the works of reclamation therein, or whenever in such districts assessments have been levied and paid, in whole or part, or warrants drawn by the Trustees or owners of the land and approved by the Board of Supervisors are outstanding, the Board of Supervisors by whom such district was formed shall cause a notice to be published for three weeks, in a newspaper published in the county or counties in which the district is situated, or if there be none such, in a newspaper of general circulation in such county or counties, calling a meeting of the land owners therein, stating the time and place of such meeting, and that the question will then and there be submitted whether the estimated cost of the work of reclamation shall be provided for by the issue of bonds in pursuance of this Act. In case of a district where assessments have been levied and paid, in whole or part, or where such warrants are outstanding, the notice shall state that the question will be submitted whether bonds shall be issued in pursuance of this Act for funding such assessments paid and such warrants outstanding. At such meeting

Reclamation Fund Commissioners.

Plans and estimates.

Notice.

Vote.

the President of the Board of Supervisors shall preside, and the Clerk of the Board shall act as Secretary; and the question as above stated shall be determined by a vote of the majority in acreage of the land owners of the district. The minutes of such meeting shall be filed among the records of the said Board of Supervisors.

Certificate
and report.

SEC. 3. If it be determined that bonds shall be issued for any of said purposes, the said President of the Board of Supervisors shall transmit to the Reclamation Fund Commissioners a certificate, under the county seal, stating that the land owners in Reclamation or Levee District Number—(designating its proper number), had determined that bonds of the district should be issued in pursuance of the provisions of this Act, the county or counties in which the district is situated, and the total estimated cost of the works of reclamation. And in case the bonds are to be issued for funding assessments paid, or warrants outstanding, the said certificate shall state, in addition, the total amount of assessments paid and warrants outstanding in said district, and any further estimated cost of reclamation reported in said district, to the Board of Supervisors; *provided*, that all contracts

Contracts.

let after the passage of this Act for the purpose of reclamation in any of the districts that shall vote to avail themselves of the provisions of this Act, shall be let to the lowest responsible bidder; and for that purpose the Trustees of the district shall give thirty days notice in some newspaper published in a county in which the district or some part thereof is situated, if there be one; but if there be none, then in some newspaper of general circulation in the county or counties in which the district is situated, that they will receive bids for the construction of the works in accordance with the plans and specifications of said district, and stating the time and place where such bids will be received and opened; and that they will award the contract to the lowest bidder who will give good and sufficient bonds for the performance of the same. After the contract has been so awarded, the Trustees shall proceed with the reclamation in all respects under the provisions of the law under which the district is organized; *provided*, that the Trustees may reject any and all bids, if by them deemed too high, and again may give notice, in the same manner as herein provided.

Prepara-
tion of
bonds.

SEC. 4. The said certificates shall be filed in the office of the said Reclamation Fund Commissioners, who shall thereupon cause to be prepared bonds of the said district to an amount not exceeding the estimated cost of the works of reclamation, or the aggregate amount of assessments paid and outstanding warrants therein, and in any further estimated cost of reclamation reported in said district to the Board of Supervisors; *provided*, no issue of bonds shall exceed six dollars per acre in the aggregate, except that in District Number Forty-one and Twitchell Island District; Grand Island District shall not exceed fifteen dollars per acre, and in Sherman Island District twenty-five dollars per acre. And the principal and interest of said bonds shall be payable out of the special Fund hereinafter directed to be created.

Limitation.

Special
Fund.

Description
of bonds.

SEC. 5. The bonds shall designate the reclamation or levee district by its proper number, be issued in sums of not less than

five hundred dollars each, be made payable twenty years after date, and bear interest at eight per cent per annum, payable on the first day of January and July of each year. The principal and interest shall be made payable in gold coin of the United States, at the office of the President of the Fund Commissioners. The bonds shall be numbered and bear the same date, although issued at different times, and be signed by the "Reclamation Fund Commissioners," and have their seal affixed thereto. Coupons for the interest shall be attached to each bond so that they may be removed without mutilation thereof, and shall be signed by the President of the Fund Commissioners. Said bonds shall express on their face that they are issued by authority of this Act, stating its title and date of approval.

Coupons.

SEC. 6. The expense of preparing said bonds and other necessary expenses shall be paid by the district in the same manner as other indebtedness.

Expenses.

SEC. 7. The "Reclamation Fund Commissioners" are hereby authorized and required to apply said bonds of the district valued at par to the funding, by receiving in exchange therefor at par all certificates of assessments paid in such district, with legal interest thereon from the date of payment, and also all outstanding warrants which have been approved or issued by the Board of Supervisors of the county or counties in which the district is situated, with legal interest thereon from their date of registration or presentation for payment at the County Treasurer's office. In such funding interest shall be estimated on such assessments and warrants, to the first of January or July next succeeding, and the Reclamation Fund Commissioners shall remove from the bond before delivery all coupons for accrued interest up to that date, and shall cancel the removed coupons as in the case of paid coupons, but adding the word "unpaid."

Funding of indebtedness.

SEC. 8. No bond shall be issued for the fractional part of five hundred dollars; but the Reclamation Fund Commissioners shall issue certificates for such fraction not funded, which shall be transferable by delivery and be funded with legal interest from their date when presented in sums of not less than five hundred dollars or its multiple.

Minimum bond.

SEC. 9. To entitle an assessment to be funded, the applicant shall present to the Reclamation Fund Commissioners a certificate from the County Treasurer, stating the name of the person by whom, and the number of the district in which the said assessment was paid, its amount, and the date of its payment. The bonds shall be issued to the legal holders of such certificates or warrants upon their being surrendered in exchange for said bonds; and they shall be canceled when so funded by that word being written on their face and signed by the President and Secretary of the Reclamation Fund Commissioners; *provided*, that if the person who paid the assessment shall have subsequently sold or contracted to sell the land, then and in such case the bonds shall be issued to the purchaser of the land.

Certificate of County Treasurer.

SEC. 10. The Reclamation Fund Commissioners shall keep records of all such bonds issued, showing the number, date, and amount, the name of the person to whom, and the number of the district for which each bond was issued, and describing the

Record of bonds.

certificates or warrants so funded, and open and keep an account with the district therefor; and shall transmit monthly to the State Treasurer a list of such bonds issued during the preceding month; and he shall enter such lists in proper books to be kept in his office.

State Treasurer. **Assessment Commissioners.** SEC. 11. For the purpose of raising funds for the payment of the principal and interest of said bonds, the Board of Supervisors of the county who approved the formation of the district are hereby authorized and directed, immediately after the determination by the land owners in favor of the issue of bonds as hereinbefore provided, to appoint three competent persons, residents of the county or counties in which the district is situated, and interested neither directly nor indirectly in the lands of the district, as "Assessment Commissioners," and shall issue to each of them a certificate of appointment as in cases of county officers.

Oath, and compensation. SEC. 12. Before proceeding to discharge their duties, each of said Commissioners shall subscribe an oath, indorsed in his certificate of appointment, which shall be filed in the office of the Clerk of the county in which he resides, that he has no interest, direct or indirect, in the lands within the said district, and that he will to the best of his ability, without fear or favor, perform all the duties required by this Act. Their compensation shall be fixed by the said Board of Supervisors at the time of their appointment, not to exceed five dollars per day for the time necessarily employed, and shall be paid, together with any necessary expenses in the performance of their duties, by the Trustees of the district or by the owners of land therein, if there be no Trustees, in the same manner as other claims against the district are paid.

Notice of apportionment meeting. SEC. 13. The said Commissioners, immediately after being qualified, shall give notice by posting the same for not less than twenty days, in three public places within the district, and by publication in a newspaper, if there be any published in the county or each of the counties in which the district is situated, stating that on a day and hour, and at a place to be named in said notice, they will hold a meeting to determine the amount to be charged on each forty acre tract or lot as known by the United States system of surveys within the district, (designating its number), for the benefits received or to be received from the works of reclamation therein, so as to furnish a basis by which the lands of the said district may be assessed to raise the amount requisite to pay the principal and interest as they become due on the bonds of the said district, and that all persons interested in said lands will then be heard.

Assessment lists. SEC. 14. The Commissioners shall meet in pursuance of such notice, and shall continue in session for not more than thirty days, and within ten days thereafter they shall prepare a list to be entitled "Assessment List of Reclamation District No.—" (designating its proper number), which shall contain a description of each forty-acre tract or lot in said district, as known by the United States system of surveys, the number of acres in each tract or lot, the names of the owners thereof, if known, or if not, then stating them as "unknown," and the amount in United States gold coin to be charged on each of said forty-acre tracts or lots, which amount shall be

ascertained by apportioning the whole cost of the works of reclamation according to the benefits which each of said tracts or lots has received or may receive from such works. The said list shall be signed by the Commissioners and filed in the office of the County Clerk. In case the district be situated in more than one county, separate lists shall be made of the tracts and lots situated in each of said counties, designating on the list the county for which it is made, and be filed in the office of the County Clerk of the respective counties. On the filing of said lists, the County Judge shall make an order fixing a day for the hearing of objections thereto, which shall not be less than thirty days from the date of the filing of said lists in the County Clerk's office; and the Clerk shall publish said order in a newspaper published or of general circulation in the county, for three weeks preceding the day of hearing. At such hearing, upon good cause shown, the said Judge may alter any or all of the assessments charged on the lands in said lists, and his decision shall be final. The County Clerk shall enter on the list any alterations so made by the order of the County Judge, and shall thereupon deliver the same to the County Auditor, who shall make a copy of said list as revised by the County Judge, and transmit the same to the Reclamation Fund Commissioners. And be it further enacted, that no lands shall be included without the consent of the owner in any reclamation district, or subject to the conditions of this Act, except lands that are actually bona fide swamp and overflowed, and unfit for cultivation without such reclamation as was contemplated by and expressed in the Act of Congress of twenty-eighth of September, eighteen hundred and fifty, granting swamp and overflowed lands to the several States; *provided*, however, that nothing in this Act contained shall be deemed to exclude from its operation land derived from the Mexican Government, if actually swamp and overflowed land.

Separate lists.

Objections.

Completed lists.

Restrictions.

SEC. 15. The Reclamation Fund Commissioners, on the receipt of said list, shall immediately and on the first Monday of March in every year thereafter until the said bonds are all paid, estimate the rate of assessment which it will be necessary to levy on the aggregate of the amounts charged on the tracts and lots described in said list or lists in order to raise the amount sufficient to pay the interest to become due in the ensuing year, and such part of the principal of the said bonds as is hereinafter provided; and also such additional rate on all the districts on which bonds are issued as shall be required to raise the amount of compensation of the Reclamation Fund Commissioners, the Secretary, and the necessary expenses of their office during the ensuing year; and he shall transmit a certificate to the Auditor or Auditors of the county in which the district is situated, stating the rate of assessment to be levied on the amount charged on each tract or lot described in the list filed in his office, and directing him to prepare a copy of said list and to enter thereon opposite to each tract or lot therein described, the amount of assessment to be collected from the owner or claimant of each of said tracts or lots at the rate indicated.

Annual estimate for payment of interest and principal of bonds.

SEC. 16. The rate to be estimated by the Reclamation Fund Commissioners shall be such as for the first ten years from the date of the bonds shall be sufficient to raise the annual interest

Rates to be estimated.

on the outstanding bonds and the amount required to pay the compensation of the Reclamation Fund Commissioners, and Secretary, and necessary expenses of their office, (allowance being made for cost of collection), and the rate shall be such for the ensuing ten years as shall be sufficient to raise the annual interest, and the following percentage of the principal of the whole amount of bonds issued, to wit: for the eleventh year, five per cent; for the twelfth year, six per cent; for the thirteenth year, seven per cent; for the fourteenth year, eight per cent; for the fifteenth year, nine per cent; for the sixteenth year, ten per cent; for the seventeenth year, eleven per cent; for the eighteenth year, thirteen per cent; for the nineteenth year, fifteen per cent; and for the twentieth year, sixteen per cent.

Assessment
liens.

SEC. 17. The County Auditor, after making the entries on the copy of the assessment list, as hereinbefore provided, shall sign the same and file it in the office of the Treasurer of the county, who shall note on said list the date of filing, and the assessment shall thereupon be due and payable, and become a lien on each and every tract and lot described in the said list.

Notice of
payments
due.

SEC. 18. The said County Treasurer shall thereupon give notice by publication in a newspaper published or of general circulation in the county that the assessment list of Reclamation District Number — (designating its proper number) has been filed in his office, and the date of the filing; that the amounts entered thereon are due and payable; that if not paid on or before the first Monday of September ensuing the same will become delinquent and be returned to the Tax Collector of the county for collection. He shall note on the list all assessments paid; and if at such time all the assessments have not been paid, he shall return the list to the Tax Collector of the county, who shall proceed to collect such delinquent assessments, with five per cent thereon, and pay over the same to the County Treasurer in the same manner as State and county taxes are collected and paid.

Delin-
quents.

Interest
and
Sinking
Fund.

SEC. 19. The assessments so collected shall be paid to the Reclamation Fund Commissioners in the same manner that State taxes are paid, and he shall place the money to the credit of a Fund to be known as the Interest and Sinking Fund of Reclamation District Number — (its number being designated), and he is hereby authorized and directed to pay the principal and interest of the said bonds of that district, as they become due and payable, out of such Fund, which is hereby pledged for that purpose. In case of any surplus after such principal and interest are paid in full, the same shall be paid to the Treasurer of the county in which the district was formed, and shall be placed to the credit of that district; *provided*, that the amount collected for the compensation of the Commissioners, Secretary, and expenses of their office shall be placed to the credit of a Fund to be known as Reclamation Expense Fund.

Reclama-
tion
Expense
Fund.

Redemp-
tion of
bonds.

SEC. 20. Whenever there shall be in the Interest and Sinking Fund of any district a surplus of three thousand dollars or more over and above the interest to be paid in that year, the Reclamation Fund Commissioners shall give notice for thirty days in one or more newspapers published or of general circulation in the county or counties in which the district is situated,

and in a newspaper of general circulation in the State, stating the amount of such surplus, and that on a day and hour to be named therein sealed proposals will be received at his office for the surrender of bonds of said district (designating its number). At that time the said Reclamation Fund Commissioners, or a majority of them, shall open the proposals and accept the lowest bids at a rate not exceeding par and accrued interest; *provided*, that they may reject any or all proposals and give another similar notice; *provided*, also, that if proposals are not offered at par or less sufficient to exhaust the amount on hand applicable to redemption, the Reclamation Fund Commissioners shall publish for thirty days a notice in a daily newspaper published in the City of Sacramento and another in San Francisco having general circulation in the State, that they will redeem bond or bonds of the reclamation district (designating its number), commencing with the highest numbers and giving the amounts, and that at the expiration of ninety days from the date of the notice if said bonds are not presented for redemption the interest thereon will cease. From and after that time no interest shall be allowed on such bonds.

Redemption of bonds.

SEC. 21. Whenever any bond or coupon is paid the President of the Reclamation Fund Commissioners shall write the word "Canceled" and the date of its payment on its face, and sign his name thereto.

Cancellation.

SEC. 22. The County Treasurer shall be entitled to receive and retain one half of one per cent out of the moneys received by him for assessments paid under the provisions of this Act in each district.

Fees of County Treasurer.

SEC. 23. In case the estimates in any district formed or to be formed shall be found insufficient to meet the cost of the works of reclamation therein, or repairs to such works from time to time required, a further amount of bonds of said district may be issued on additional estimates to be reported to the Board of Supervisors of the county by whom the formation of the said district was approved, for the amount of such estimates, and the same proceedings shall be had in reference to the issue of such bonds, the levy and collection of assessments for the payment of the principal and interest, the amount required to pay said compensation and expenses thereof, and the application of the moneys arising therefrom, as are hereinbefore provided; *provided*, that the assessment to raise moneys for the payment of the principal and interest of such bonds shall always be levied on the basis fixed in the assessment list provided for in section fourteen of this Act; and that the aggregate of all bonds issued under this Act shall not exceed the actual cost of reclamation, nor in any event exceed six dollars per acre, except that in District Forty-one and Twitchell Island District, and Grand Island District bonds may be issued not to exceed fifteen dollars per acre; and in Sherman Island District not to exceed twenty-five dollars per acre; *provided*, also, that when the determination in any district has been in favor of the issue of bonds, the question of any further issue shall again be submitted to the land owners; *pro-*

New estimates for reclamation.

Limitation, and exceptions.

Protection
of State.

vided, that the provisions of this Act shall not apply to any lands in the counties of Siskiyou, Lassen, Plumas, and Shasta.

SEC. 21. Nothing in this Act shall be so construed as to make the State, or any county in this State, liable for the payment of the principal or interest of any bond issued in pursuance of this Act.

Individual
exemptions
and
liabilities.

SEC. 25. If at the time fixed by the County Judge provided for in section fourteen of this Act for hearing objections to the assessment lists, the owner or owners of any portion of land included in the district shall give notice in writing that he prefers to pay money for the assessment made upon his said land, or that he does not desire to have the assessments already paid upon his land funded under the provisions of this Act, the land owned by him shall be exempt from the provisions of this Act, and shall not be subject to any liability or lien by reason of any proceedings under this Act; *provided*, he shall pay to the County Treasurer the amount found due from said tract of land as ascertained by the Assessment Commissioners and corrected by the County Judge, in installments, as the work of reclamation progresses, as required by the Trustees of the district. In case he fails to pay said assessments or any portion thereof within thirty days after receipt of notice that said installment is due, then the Trustees shall file a list of such delinquent assessment with the County Tax Collector, who shall proceed to collect said assessment in the same manner as State and county taxes are collected, and pay the same over to the County Treasurer.

Exceptions.

SEC. 26. Reclamation District Number Two, in Sacramento County, and Levee Districts Numbers One, Two, Three, and Six, in Sutter County, are exempt from the provisions of this Act.

SEC. 27. This Act shall take effect from and after its passage.

CHAPTER DLXXI.

An Act to empower the Board of Supervisors of Klamath County to levy a special tax for a certain purpose.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Levy of
tax.

SECTION 1. The Board of Supervisors of Klamath County may levy, for the years eighteen hundred and seventy-two (1872) and eighteen hundred and seventy-three (1873) a special ad valorem tax, not to exceed ten (10) cents on each one hundred dollars worth of taxable property of said county, for the purpose of defraying the expenses of surveying and defining the boundary line between Klamath and Humboldt Counties.

Boundary
Line Fund.

SEC. 2. Said tax shall be collected as other taxes in said county, and shall be set apart by the County Treasurer into a

special Fund, to be known as the "Boundary Line Fund," and subject to the order of the Board of Supervisors of said county.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXXII.

An Act to amend an Act entitled an Act to regulate the salaries and fix the compensation of certain county officers in the County of Nevada, approved March sixth, eighteen hundred and seventy.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Section 3. The County Assessor shall receive a salary of two thousand dollars per annum; and he shall also be allowed two Deputy Assessors, who shall each be paid by the county, at the rate of six dollars per day for each day actually employed during the term allowed by law for the assessment of taxes; *provided*, that neither of the Deputy Assessors shall receive during any one year more than six hundred dollars for all services required of him as Deputy Assessor.

Salary of
Assessor
and
deputies.

SEC. 2. Section four of said Act is hereby amended so as to read as follows:

Section 4. The Sheriff shall receive a salary of three thousand dollars per annum, and be allowed to retain for his own use the mileage allowed by law. The Sheriff shall be allowed one Under Sheriff and one Jailer, who shall receive the following salaries: the Under Sheriff shall receive, for all services, the salary of fifteen hundred dollars per annum; the Jailer shall receive, for all services, the salary of one thousand dollars per annum. The Sheriff shall be allowed one Deputy Sheriff, whenever the Board of Supervisors shall deem it necessary, who shall receive for all services required of him a salary at the rate of fifteen hundred dollars per annum for such time only as the Board shall, by an order entered upon the records, direct.

Salary of
Sheriff and
deputies.

SEC. 3. Section five of said Act is hereby amended so as to read as follows:

Section 5. The County Clerk shall be ex officio Clerk of the Board of Supervisors and ex officio County Auditor; and he shall receive, in full compensation for his services as County Clerk, ex officio Clerk of the Board of Supervisors, and ex officio County Auditor, two thousand seven hundred dollars per annum. The County Clerk shall be allowed one Deputy Clerk, who shall receive for all services required of him a salary of twelve hundred dollars per annum.

Salary of
Clerk and
deputy.

SEC. 4. Section six of said Act is hereby amended so as to read as follows:

Salary of
Recorder
and
deputies.

Section 6. The County Recorder shall receive, for all services, a salary of two thousand dollars per annum. The County Recorder shall be allowed one Deputy Recorder, who shall receive, for all services, a salary of twelve hundred dollars per annum. The County Recorder shall be allowed one additional Deputy Recorder, at such times as the Board of Supervisors may deem it necessary, who shall receive a salary of twelve hundred dollars per annum for such times only as the Board, by an order on the minutes, may direct. All fees paid into and received by the County Recorder for the recording of notices of location of mining claims shall be considered as public or county moneys.

SEC. 5. Section ten of said Act is hereby amended so as to read as follows:

Salary and
fees of
Collector.

Section 10. The Collector, for collecting all taxes for State and county purposes, shall receive five hundred dollars per annum and the fees and percentage now allowed by law for collecting licenses and poll taxes.

SEC. 6. This Act shall take effect on and after the first Monday in January, eighteen hundred and seventy-four.

CHAPTER DLXXIII.

An Act amendatory of an Act entitled an Act to amend an Act to fix the terms of the County Court and Probate Court of the County of Sonoma, approved March thirty, eighteen hundred and sixty-eight.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Terms of
County
and
Probate
Courts.

[Section 1.] The regular term of the County Court in and for the County of Sonoma shall be held at the county seat of said county, commencing on the first Mondays of January, April, July, and October of each year. It shall be lawful to summon the trial jurors to attend said terms of said Court on the first Thursdays of said months, or such other time as the Judge of said Court may by order direct, for the trial of issues that may be for trial at said terms. The regular terms of the Probate Court in and for said county shall commence to be holden at the county seat of said county on the first Monday of every month in each year.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage and approval.

CHAPTER DLXXIV.

An Act in relation to the Superintendent of the State Insane Asylum.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Superintendent of the State Insane Asylum may attend the annual meetings of the Superintendents of American Institutions for the Insane, and his expenses, not to exceed four hundred dollars per annum, must be audited and allowed by the Board of Examiners, and paid out of the State Treasury.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER DLXXV.

An Act to except certain counties from certain sections of an Act entitled an Act to put into effect certain parts of the Codes, and provide for their publication, approved March twenty-second, eighteen hundred and seventy-two.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following counties, to wit: Amador, Alpine, Calaveras, El Dorado, Humboldt, Los Angeles, San Diego, San Bernardino, Sonoma, Siskiyou, and Trinity, are hereby excepted from the operation of sections eight, nine, ten, and eleven of an Act entitled "An Act to put into effect certain parts of the Codes, and provide for their publication," approved March twenty-second, eighteen hundred and seventy-two; *provided*, that in Trinity County so much of section eleven as relates to the Audit shall remain in force.

SEC. 2. All Acts and parts of Acts, so far as they conflict with this Act, are hereby repealed.

SEC. 3. This Act shall go into effect immediately.

CHAPTER DLXXVI.

An Act to provide for the support of the common schools of the City and County of San Francisco, and to define the powers and duties of the Board of Education thereof.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Powers.

SECTION 1. The Board of Education of the City and County of San Francisco shall have power:

First—To maintain public schools as now organized in said city and county, and to establish additional ones as required, and to consolidate and discontinue schools, as shall be deemed best for the public interest.

Second—To establish experimental and normal schools for the education and training of teachers.

Third—To employ and dismiss teachers, janitors, and School Census Marshals, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Fourth—To make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the government and efficiency of the public schools within said city and county, the teachers thereof and pupils therein, and for carrying into effect the laws relating to education. Also, to establish and regulate the grade of schools, and determine the course of studies and the mode of instruction to be used in said schools.

Fifth—To issue a subpoena, duly attested by the President and Clerk of said Board, directed to any person whose attendance shall be required before said Board, or any committee thereof, as a witness on the examination of any charges against any employé of said Board for violation of any of the rules or regulations thereof, requiring such person to attend before said Board, or a committee thereof, at a time and place to be therein named, to testify in relation to such charges; and if such person shall refuse or neglect to obey such subpoena, or refuse to testify when so required, he or she shall be deemed guilty of a misdemeanor, and shall be punished, on conviction thereof, by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the County Jail for not less than ten days nor more than thirty days.

Sixth—To provide for the School Department of said city and county, fuel, lights, water, blanks, blank books, printing, stationery, and such other articles, materials, or supplies as may be necessary or required for use in the schools, either by the pupils or teachers.

Seventh—To make rules of order and by-laws for the government of the Board, its members and committees, and general

regulations, to secure proper economy and accountability in the Powers. expenditure of school moneys.

Eighth—To use and control such building or buildings as shall be necessary for the uses of the Board and its committees, and for storing supplies.

Ninth—To dispose of such personal property used in the schools or in other buildings under the charge of the Board as shall be no longer required for use therein, and all moneys realized by the sale of any such property shall be paid into the City Treasury for the same purposes as the money received under the fifth section of this Act.

Tenth—To build, alter, repair, rent, and provide school houses and furnish them with proper school furniture, apparatus, and school appliances, and to insure any and all school property.

Eleventh—To lease for a term not exceeding ten years, any unoccupied property of the School Department not required for school purposes.

Twelfth—To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand for good cause, of which the said Board shall be the sole judge.

Thirteenth—To prohibit any child under six years of age from attending the public schools.

SEC. 2. It shall be the duty of the Board of Education of Duties. the City and County of San Francisco:

First—To furnish all necessary supplies, or make regulations for furnishing supplies for the several schools under their care; but when such supplies are furnished by the Board of Education they shall be obtained by contract, proposals for which shall be advertised for the period of at least two weeks.

Second—To make and transmit, between the fifteenth day of January and the first day of February in each year, to the State Superintendent of Public Instruction and to the Board of Supervisors of the City and County of San Francisco, a report in writing, bearing date on the thirty-first day of December next preceding, stating the whole number of schools within their jurisdiction, the length of time they shall have been kept open, the number of pupils taught in each school, the whole amount of money drawn from the Treasury for the purposes of education during the year ending at the date of the report, distinguishing the amounts received from the General Fund of the State, and from all other and what sources, the manner in which such moneys shall have been expended, and such other information as the State Superintendent of Public Instruction may from time to time require in relation to public school education in the City and County of San Francisco. And the report which said Board of Education is hereby required to make shall be held and taken to be a full compliance with every law requiring a report from said Board relative to the schools in said city or any matter connected therewith.

Third—To provide evening schools for those whose ages or vocations are such as to prevent attendance at the day schools established by law, in such school houses or other buildings used for school purposes, and in such other places in said city as said Board may from time to time deem expedient; and

Duties.

also a normal school or schools for the instruction of those who desire to become teachers, which school shall be attended by such of the teachers in the public schools as the Board of Education by general regulations shall direct, under penalty of forfeiture of their situations as teachers for failure to attend said normal school as required, which forfeiture shall be declared by the Board of Education.

Fourth—To require the principal teachers of each school to enter in books, to be furnished by the Board, the names, ages, and residences of the pupils attending the school, the name of the parent or guardian of each pupil, the days on which the pupils shall have respectively attended, and the aggregate attendance of each during the year; also, the days on which each school shall have been visited by the City Superintendent of Schools, or his assistant, and the members of the Board of Education, or any of them; which entries shall be verified by the oath or affirmation of the principal teacher in such school; also, to require the principal teacher of each school, prior to the first day of January of each year, to make to said Board of Education a report in writing, bearing date the thirty-first day of December, which report shall state the whole number of scholars over six and under twenty-one years of age, who shall have been taught free of expense to such scholars in their schools during the year ending with the date of the report, which number shall be ascertained by adding to the number of children on the register at the commencement of the year, the number admitted during the year, not having previously attended any public school during that year; also, the average number that has actually attended such school during the year, to be ascertained by keeping an exact account of the number of pupils present at each session, or half day of the school, which, being added together and divided by four hundred and thirty, or, if less than a year, by the number of school sessions, shall be considered the average attendance, which average shall be sworn or affirmed to by the principal teacher of the school; also, a particular account of the state of the school, and of the property and affairs of the school, and the titles of all books used, with such other information as the Board of Education shall require.

Fifth—To provide, by general rules and regulations, a proper classification of studies, scholars, and salaries, in such manner that the system of instruction pursued in the public schools, and the salaries paid to teachers, shall be as nearly as practicable uniform throughout the city.

Duties of Superintendent.

SEC. 3. It shall be the duty of the Superintendent of Common Schools of the City and County of San Francisco:

First—To visit and examine every school under the charge of the Board of Education as often as once in every six months, to inquire into all matters relating to the government, course of instruction, books, studies, discipline, and conduct of such schools, and the condition of the school houses and the schools generally, and to counsel with and advise the teachers in relation to their duties, the proper studies, discipline, and conduct of the pupils, the course of instruction to be pursued, and the books of elementary instruction to be used, and to examine,

ascertain, and report to the Board of Education whether the provisions or the Act in relation to religious sectarian teaching and books have been violated in any of the schools, and to make a monthly report to the Board of Education, stating which of the schools have been visited by him, and adding such comments in respect to the matters here specified as he may deem advisable.

Second—To make annually to the State Superintendent of Public Instruction, at such times as said officer may direct, a report in writing, containing a statement of the whole number of schools within said city and county, and a certified copy of the reports of the Board of Education to the Supervisors of the City and County of San Francisco, with such additional information as the State Superintendent of Public Instruction may require.

SEC. 4. It shall be the duty of the Board of Education of the City and County of San Francisco, on or before the third Monday of March in each year, to report to the Board of Supervisors of said city and county an estimate of the amount of money which will be required during the year for the purpose of meeting the current annual expenses of public instruction in said city and county, specifying the amount required for supplies furnished to pupils, for purchasing and procuring sites, for leasing rooms or buildings, for erecting buildings, and for furnishing, fitting up, altering, enlarging, and repairing the buildings and premises under their charge, for the support of schools which shall have been organized since the last annual apportionment by the Board, for salaries of teachers, janitors, clerks, and other employes of the Board, and for such further sum or sums as may be necessary for any of the purposes authorized by this Act; but the aggregate amount so reported shall not exceed the sum of thirty-five dollars for each pupil who shall have actually attended and been taught in the preceding year in the schools entitled to participate in the apportionment. The number of pupils who shall be considered as having attended the schools during any one year shall be ascertained by adding together the number of children between the ages of six and twenty-one years present at each session of not less than three hours each, and dividing the sum by four hundred and thirty; and if any school shall have been organized since the last annual apportionment, the attendance shall be ascertained by dividing by a number corresponding to the actual number of sessions of not less than three hours each, held since the organization of such school.

SEC. 5. It shall be the duty of the Board of Supervisors of said City and County of San Francisco, to examine, without delay, the estimate received from the Board of Education, and if deemed reasonable and in accordance with law, said Board of Supervisors are hereby authorized and required to levy and cause to be collected, at the time and in the manner of levying State and other city and county taxes, the amount of taxation so determined and reported by the Board of Education.

SEC. 6. If the estimate of the said Board of Education seem

Objections
to
estimates.

unreasonable to the Board of Supervisors, the said Board of Supervisors shall, within ten days after receiving such estimate, return the same to the Board of Education, with the objections of said Board of Supervisors, in writing. The Board of Education shall immediately proceed to consider such objections; and in case of further disagreement between the said Boards, the matter in dispute shall be referred to the Mayor, Auditor, and Treasurer of the City and County of San Francisco, whose decision shall be final, and shall be carried into effect by the Board of Supervisors.

Payments
out of
School
Fund.

SEC. 7. All moneys received or collected on account of public education in the City and County of San Francisco shall be deposited in the City Treasury, and be known as the School Fund. Payments from said Fund shall only be made by the Treasurer of the said city and county upon drafts drawn on him by the Board of Education, signed by the President and the Superintendent of Common Schools, and countersigned by the Auditor of said city and county; and all drafts shall be made payable to the person or persons entitled to receive the same.

Provision
in case of
deficiency.

SEC. 8. If the school moneys received and collected shall, during any year, exceed the necessary and legal expenses of the public schools, the Board of Education shall authorize the payment only of such sum or sums as shall be sufficient to provide for such expenses, and any deficiency in the sums so received and collected to meet the necessary and legal expenses of public education in the said schools shall be supplied by the Board of Supervisors of said city and county; and they are hereby authorized and directed to raise, by loan or otherwise, in anticipation of the annual tax, such sum or sums as shall be necessary to meet such deficiency; and the Board of Education shall in all such cases certify to the Board of Supervisors the cause of such deficiency, and that the same was unavoidable, and unless such certificate shall be made, the said Board of Supervisors may refuse to meet such deficiency; but the Board of Education shall not be authorized to call upon the Board of Supervisors in any year for any money or moneys for the purpose of purchasing sites, building, altering, repairing, or fitting up school houses, in excess of the estimates for these purposes, in pursuance of section seventh of this Act, except in cases of destruction of or injury to the buildings by fire or other unforeseen calamity.

Separate
school for
the
depraved.

SEC. 9. The Board of Education of the City and County of San Francisco are hereby authorized to establish in some central locality of said city a school, to which shall be admitted only those pupils who shall have been found, upon satisfactory examination and trial, too depraved to be permitted to associate longer with the pupils of other schools; but such pupil or pupils may be restored to any school under charge of said Board, upon satisfactory evidence of thorough reformation of conduct.

Clerk of the
Board.

SEC. 10. The Clerk of the Board of Education shall have charge of the rooms, books, papers, and documents of the Board, and shall, in addition to his duties as Secretary of the

Board, perform such other clerical duties as may be required by its members or committees.

SEC. 11. In all cases where the erection of a building, fitting up thereof, and the fitting up of any hired building, or repairing any building belonging to the department, shall exceed the sum of two hundred dollars, the same shall be done by contract awarded to the lowest responsible bidder, proposals for which contract shall be advertised for two weeks previous to deciding upon the estimates thereon; but the Board of Education may reject any or all proposals, should they deem such action for the public good.

Contracts
for
building.

SEC. 12. Whenever, owing to any nuisance in the immediate vicinity of any school, or other unfavorable circumstances, or to the small attendance of pupils, or other sufficient reason, it shall appear to the Board of Education necessary and proper to discontinue such school, they may, after thirty days notice given to the Board of Supervisors of their intention to abandon the building and site, for school purposes, withdraw entirely from the control of said property, which shall then be used or disposed of as a part of the general property of the city and county. In the event of the same being sold, the proceeds shall go into the School Fund of the City and County of San Francisco; but nothing herein shall be so construed as to authorize the sale of any such building or lot.

Abandon-
ment of
school
buildings
and sites.

SEC. 13. Every person in the employ of the Board of Education, and every officer or teacher of a school who shall willfully sign a false report to the Board of Education shall, for each offense, forfeit the sum of twenty-five dollars, and shall be deemed guilty of a misdemeanor; and every such person or officer who shall willfully misapply any of the public funds committed to his care shall be deemed guilty of embezzlement.

Penalty for
false
reports.

SEC. 14. No school shall receive any portion of the school moneys in which the religious doctrines or tenets of any particular Christian or other religious sect shall be taught, inculcated, or practiced, or in which any book or books containing compositions favorable or prejudicial to the particular doctrines or tenets of any particular Christian or other religious sect is used.

Religious
doctrines
shall not
be taught.

SEC. 15. The following shall be substantially the form of oath or affirmation to be made by the teacher:

"A. B., of the City and County of San Francisco, teacher of — school, being duly sworn (or affirmed), declares and says, that to the best of his (or her) knowledge and belief the average number of children, actually residents of the City and County of San Francisco, between the ages of six and twenty-one years, who attended said school from the — day of — to the first day of January, —, was —; said average having been obtained by adding together the number of pupils present each half day, and dividing the sum by four hundred and thirty (or by the total number of half school days during the year.)"

Form of
oath.

SEC. 16. The Clerk of the Board of Education is hereby authorized to administer oaths and take affidavits in all matters appertaining to the schools in the City and County of San Francisco.

Oaths and
affidavits.

SEC. 17. No person receiving a salary from the Board of

| | |
|------------------------------|---|
| Interests in contracts. | Education shall be interested in any contract, payments under which are to be made in whole or in part of the moneys derived from the School Fund, or raised by taxation for the support of public schools. |
| Classification. | SEC. 18. The public schools in the City and County of San Francisco shall be classified as High, Grammar, Primary, Evening, and Normal Schools. |
| Election. | SEC. 19. The members of the Board of Education of the City and County of San Francisco shall be elected by vote of the electors of the entire city and county, and from the city and county at large, without reference to their residence. |
| Issuance of school bonds. | SEC. 20. The Mayor, Auditor, and Treasurer of the City and County of San Francisco are hereby authorized and required to issue school bonds from time to time in such sums as may be required for school purposes, not to exceed in the aggregate the sum of one hundred thousand dollars. Such bonds shall be signed by the Mayor, Auditor, and Treasurer of said city and county, and shall be payable in ten years from the first day of June, one thousand eight hundred and seventy-two. Such bonds shall draw interest at the rate of seven per centum per annum from the date of their issuance, which interest shall be payable semi-annually, on the first days of June and December, in the City and County of San Francisco. The coupons attached to said bonds shall be signed by the said Treasurer. |
| Interest. | |
| How payable. | SEC. 21. The principal and interest of the said bonds shall be payable in gold coin of the United States of America, and the faith and credit of the City and County of San Francisco are hereby pledged for the redemption of said bonds and the payment of the principal and interest in said gold coin of the United States of America, as set forth in this Act. |
| Sale of bonds. | SEC. 22. As soon as said bonds are issued the Treasurer of said city and county is hereby authorized and empowered to sell the same to the highest bidder therefor for cash in gold coin of the United States (after having first advertised the same for four weeks in two daily newspapers published in said city and county), and the proceeds thereof shall be immediately placed in the Treasury of said city and county, and constituted a part of the School Fund. From the proceeds thus obtained and paid into the Treasury the Board of Education of the City and County of San Francisco are hereby authorized to liquidate any unpaid bills or claims in the current expenses of the public schools of said city and county for the year ending the thirtieth day of June, one thousand eight hundred and seventy-one; <i>provided</i> , said bills or claims do not exceed in the aggregate the sum of twenty thousand dollars; and the balance of such proceeds, or so much thereof as may be necessary, shall be used for the sole purpose of meeting any deficiency that may arise in the current expenses of the schools for the year ending the thirtieth day of June, eighteen hundred and seventy-two. But no portion of the proceeds of this Fund shall be used in the purchase of sites for the erection or repairs of school buildings, nor in the fitting up of the same; and any balance then remaining on hand shall be carried forward and form part of the available funds for school purposes for the following year; <i>provided</i> , the Mayor, |
| Payment of current expenses. | |

Auditor, and Treasurer may reject any and all bids for said bonds as the public good may require.

SEC. 23. To secure the payment of the principal and interest of said bonds it shall be the duty of the Board of Supervisors of the City and County of San Francisco to raise yearly by taxation, in the same manner as other city and county taxes are levied and collected, a sum sufficient to pay the semi-annual interest on said bonds, and also to provide a Sinking Fund for the redemption of the same at maturity, as directed in section twenty-four of this Act.

Annual tax
for a
Sinking
Fund.

SEC. 24. Whenever and as often as there shall be funds in the Treasury of said city and county, to the credit of the Sinking Fund provided in section twenty-three of this Act, amounting to ten thousand dollars, it shall be the duty of the Treasurer of said city and county to advertise from time to time for thirty days, in two daily newspapers published in said City and County of San Francisco, for proposals to surrender said bonds upon the best terms, not exceeding their par value, and report the same to the Commissioners of the Sinking Fund, who shall immediately thereafter order paid the amount necessary to redeem the bonds so offered, and shall issue demands therefor in the usual form. The Auditor of said city and county is authorized and required to audit, and the Treasurer to pay the same out of the Sinking Fund in his hands, set apart therefor; and if such proposal to surrender bonds do not equal the amount of such Sinking Fund, then the Commissioners of the Sinking Fund shall have power to loan any balance remaining thereof, upon the security of any bonds of the City or of the City and County of San Francisco, or of the State of California, or of securities of the United States, at the best rates of interest obtainable therefor, such interest, when paid, to be entered by the Treasurer to the credit of the Sinking Fund for the redemption of said bonds.

Redemption
of
bonds.

Balance
may be
loaned.

SEC. 25. The money required hereafter to meet the interest and create the Sinking Fund for the bonds issued under the Act of the seventeenth of March, eighteen hundred and sixty-six, also for the bonds issued under the Act of the nineteenth of February, eighteen hundred and seventy, shall be raised in the like manner as is provided for in section twenty-three of this Act, and the Sinking Fund applied in the like manner provided for in section twenty-four of this Act.

Sinking
Fund for
bonds
issued
under
former
Acts.

SEC. 26. All Acts and parts of Acts passed prior to the first day of March, eighteen hundred and seventy-two, so far as inconsistent with the provisions of this Act, are hereby repealed.

SEC. 27. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXXVII.

An Act to amend an Act approved March the twelfth, eighteen hundred and sixty-eight, entitled an Act to provide for the drainage of the City of Sacramento and of the lands of Swamp Land District Number Two.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of the Act, the title of which is recited in the title of this Act, is hereby amended so as to read as follows, viz:

Tax
authorized.

Bounda-
ries
specified.

Purpose of
tax.

Act of
March
12th, 1868.

Section 7. The Board of Supervisors of the County of Sacramento is hereby authorized and empowered to levy the following taxes upon the property within said district, including Sacramento City, to wit: In the year eighteen hundred and seventy-two (1872) and in the year eighteen hundred and seventy-three (1873) a tax of three cents on every one hundred dollars worth of property in said district; *provided*, that said tax shall not be levied or collected upon any property in said district south of a line commencing at the intersection of the southern line of Dwight Hollister's land with Randall Slough; thence running southeasterly on said Hollister's southern line until it intersects the western boundary of C. W. Clark's land; thence south on said Clark's west line to the north line of J. M. Stephenson's land; thence west one fourth mile; thence south one half mile, to the township line between United States townships five and six north, range four east; thence east, to the eastern boundary of said district; which taxes shall be levied, collected, kept, and disbursed as required by the other provisions of said Act of March twelfth, eighteen hundred and sixty-eight, except that in addition to the cost of construction, said moneys may be expended in keeping said canal in repair, or in widening or deepening its channel and extending its drainage capacity.

SEC. 2. This Act shall take effect upon its passage, but none of its provisions shall, except as aforesaid, in any manner affect the provisions of the other sections of said Act of March the twelfth, eighteen hundred and sixty-eight, or the Act amendatory thereof, approved March fourth, eighteen hundred and seventy, nor affect any assessment, levy, lien, or suit for taxes under either of said Acts.

CHAPTER DLXXVIII.

An Act amendatory of and supplemental to an Act entitled an Act to establish a Paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of said Act is hereby amended so as to read as follows:

Section 1. There shall be a Board of Fire Commissioners of the City and County of San Francisco, consisting of five persons of good standing and character, citizens of the United States, and who shall have been residents of San Francisco for at least two years previous to their appointment or election as such Commissioners. The Fire Commissioners whose official term commenced on the first Monday of December, eighteen hundred and sixty-eight, and the first Monday of December, eighteen hundred and sixty-nine, shall hold office until the first Monday in December, eighteen hundred and seventy three; and the Commissioners whose term of office commenced on the first Monday in December, eighteen hundred and seventy, and the first Monday in December, eighteen hundred and seventy-one, shall hold office until the first Monday in December, eighteen hundred and seventy-five; and at the general election to be held in the year eighteen hundred and seventy-three and every two years thereafter, there shall be chosen in said city and county two Fire Commissioners, who shall hold office for the term of four years from the first Monday of December next succeeding their election; and the Fire Commissioner who was appointed by the Board of Supervisors of said city and county on the sixth day of March, eighteen hundred and seventy-two, shall hold office until the first day of December, eighteen hundred and seventy-two; and prior to said first Monday in December, eighteen hundred and seventy-two, and every four years thereafter, the Board of Underwriters of said city shall appoint one Fire Commissioner, who shall hold office for the term of four years from the first Monday in December next succeeding his appointment.

Board of
Fire Com-
missioners.

Terms of
office.

Election.

Appoint-
ment.

SEC. 2. Section four of said Act is hereby amended so as to read as follows:

Section 4. The Fire Department of the City and County of San Francisco shall consist of a Chief Engineer, one First Assistant Engineer, one Second Assistant Engineer, one Third Assistant Engineer, one Fourth Assistant Engineer, one Clerk of the Board of Fire Commissioners and Chief Engineer, who shall give a bond in the sum of ten thousand dollars, with two or more sureties, for the faithful performance of his duties; one Superintendent of Steam Fire Engines, one Assistant Superintendent of Steam Fire Engines, one Corporation Yard Keeper, one Corporation Yard Drayman, two

Organiza-
tion and
officers of
the Fire
Depart-
ment.

Hydrant-men, one Veterinary Surgeon; nine steam fire engine companies, to consist each of one Foreman, one Engineer, one Driver, one Firemen, and eight Hosemen, one of whom shall act as Assistant Foreman, and one as Clerk, which Clerk shall receive five dollars per month extra; three hook and ladder companies, to consist each of one Foreman, one Driver, one Tillerman, and twelve hook and ladder men, one of whom shall act as Assistant Foreman, and one as Clerk, which Clerk shall receive five dollars per month extra; and five hose companies, to consist each of one Foreman, one Driver, one Steward, and six hosemen, one of whom shall act as Assistant Foreman, and one as Clerk, which Clerk shall receive five dollars per month extra. Each steam fire engine company shall have one steam fire engine, one hose reel, with one thousand feet of hose, and not more than four horses. Each hook and ladder company shall have one truck, with hooks and ladders and necessary appurtenances, and two horses. Each hose company to have one hose reel, with one thousand feet of hose and one horse. But the Board of Fire Commissioners, with the consent of the Board of Supervisors, shall have power to increase or diminish the number of companies as the public safety of the city and county may in their judgment require, such additional companies to have the same number of officers and men as is hereby allowed to companies of the same class; and they may organize such volunteer companies for outside districts of said city and county as they may see fit; *provided*, such volunteer companies shall be subject to the provisions of this Act; but none of the members thereof shall receive any salary; and the Board of Supervisors, upon notification by the Board of Fire Commissioners of any increase of the number of companies, shall purchase the necessary steam engines, apparatus, and appurtenances for such additional companies.

Volunteer
companies.

SEC. 3. Section five of said Act is hereby amended so as to read as follows:

Chief
Engineer
and
Assistants.

Section 5. The Chief Engineer and four Assistant Engineers shall be appointed by said Board of Fire Commissioners, each for the term of two years from and after his appointment, to be removable at the pleasure of said Board; and all subordinate officers and men shall be appointed by said Board of Fire Commissioners, and shall be removable at its pleasure.

SEC. 4. Section six of said Act is hereby amended so as to read as follows:

Salaries.

Section 6. The salaries of the officers and men composing said Fire Department shall be paid monthly, and shall be as follows:

Chief Engineer, two hundred and fifty dollars per month;
First Assistant Engineer, one hundred and forty dollars per month;
Second Assistant Engineer, one hundred and forty dollars per month;
Third Assistant Engineer, one hundred dollars per month;
Fourth Assistant Engineer, one hundred dollars per month;
Clerk to the Board of Fire Commissioners and Chief Engineer, one hundred and thirty dollars per month;

Superintendent of Steam Fire Engines, one hundred and fifty Salaries.
dollars per month;

Assistant Superintendent of Steam Fire Engines, one hundred
and fifty dollars per month;

Corporation Yard Keeper, seventy-five dollars per month;

Corporation Yard Drayman, seventy-five dollars per month;

Each Hydrant-man, seventy-five dollars per month;

Veterinary Surgeon, sixty dollars per month;

Each Foreman, forty-five dollars per month;

Each Engineer, one hundred and forty dollars per month;

Each Driver, seventy-five dollars per month;

Each Fireman, seventy-five dollars per month;

Each Tillerman, seventy-five dollars per month;

Each Steward, sixty-five dollars per month;

Each Hose and Hook and Ladder man, thirty-five dollars per
month.

All the paid members of the Fire Department, except the Duties of
Foremen, Assistant Foremen, Clerks, Horse men, Hook and paid
Ladder men, and Veterinary Surgeon, shall give their undivided members.
attention to their respective duties; and all the officers and men
of the Fire Department shall perform such duties as may be
prescribed from time to time by the Board of Fire Commis-
sioners.

SEC. 5. Section eight of said Act is hereby amended so as to
read as follows:

Section 8. The Board of Supervisors of said city and county Authority
are hereby authorized to appropriate, allow, and order paid, given to
annually, out of the General Fund of said city and county, the make
salaries hereinbefore specified and allowed, and salaries at simi- payments.
lar rates to the several officers and men of any additional com-
panies created as aforesaid; also, the sum of forty thousand
dollars per annum for running expenses, horse feed, repairs to
apparatus, and other expenses of the said department; also, a
sum not exceeding twenty-five thousand dollars annually, for
the purchase of horses and apparatus; also, a sum not exceeding
twenty-five thousand dollars annually, in lieu of the amount
now allowed by law, for the construction and erection of
hydrants and cisterns; and the Board of Supervisors shall have
power to advertise for proposals, and make contracts for the
construction of said cisterns and the erection of said hydrants,
and they are hereby empowered to locate the same.

SEC. 6. The Board of Supervisors of said city and county is Workshop
hereby authorized and empowered to establish and maintain at for repairs.
the Corporation Yard a workshop, for making repairs and
improvements upon the apparatus of the Fire Department, such
workshop, and such repairs and improvements, to be under the
supervision of the Superintendent of Steam Fire Engines and
his assistant; and said Board of Supervisors shall allow and
order paid out of the amount herein appropriated for repairs
and apparatus, and other expenses of said department, all the
expenses of such workshop, repairs, and improvements; *provided*,
that the Board of Supervisors shall have full power to limit the

Limit to
expendi-
tures.

expenditures under this section to such an amount as they in their discretion think necessary.

SEC. 7. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXXIX.

An Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-five of said Act shall be amended to read as follows:

Separation
and consoli-
dation of
swamp
land
districts.

SECTION 45. If the holders of certificates of purchase or patents for lands within any district formed under previous laws, and in which the lands have not been thoroughly reclaimed, desire to have their lands set off from said district, they shall, in addition to the petition required in section thirty of this Act, show to the Board of Supervisors that their lands are capable of an independent reclamation. If the district from which they seek to be set off shall not be in debt, then said lands may at once be set off; but if the district shall have an outstanding indebtedness, then the Board shall, either in their own proper persons or by Commissioners appointed for that purpose, determine what proportion of the debt the tract so sought to be set off shall be entitled to pay, and upon the payment by the said petitioners of the amount so awarded the said lands described in said petition shall be constituted a district and shall be subject to all the conditions and restrictions of this Act. And the amount so paid by the petitioners shall be a charge against the district so formed, and shall be collected and paid the same as funds for reclamation. Any reclamation district may, with the concurrence in writing of a majority in acreage of the holders of certificates of purchase, patents, or other evidence of title to and within the said district, consolidate with one or more contiguous districts; the terms of such consolidation, and the names of the Trustees of the consolidated district, shall be stated in a written agreement, and the number be designated therein by which the consolidated district shall be known, which shall be one of the original numbers, and shall be signed by the Trustees of each district, or a majority of them, and be filed in the office of the Recorder of the county or either of the counties in which the districts are situated, and the Trustees of the said district, or a majority of them, shall thereupon certify to the Register of the State Land Office the fact of such consolidation,

District
number.

the original numbers of the districts consolidated, and the number adopted for the consolidated district.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DLXXX.

An Act authorizing the Board of Supervisors of the County of Santa Clara to pay to the County Clerk and Auditor of said county certain monies therein mentioned.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Santa Clara are hereby authorized and directed to allow and order paid to the County Clerk and Auditor of said county, each, the sum of seventy-five dollars per month. Clerk and Auditor.

SEC. 2. Said County Clerk and Auditor shall apply the said monthly payments so made to each of them, towards the payment of the salary of one of their deputies. Deputies.

SEC. 3. The proper officers of said county are hereby directed to audit, allow, and pay said sum of seventy-five dollars each, monthly, to said Clerk and Auditor of said county, as hereinbefore provided; and said payments shall continue to the said officers of said County of Santa Clara. Payment of salaries.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER DLXXXI.

An Act to provide for the legal services rendered the State of California by J. G. Jenkins.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Board of Examiners are hereby directed to examine the accounts of J. G. Jenkins, special attorney authorized by the Surveyor General of the State to conduct, on the behalf of the State, investigations before and to present testimony to the United States Surveyor General, for the purpose of proving the swampy character of certain lands sold by the State, or claimed as swamp and overflowed lands, in the County of San Joaquin, and shall approve such amount as they State Board of Examiners.

may deem just and equitable for all the land which were at such investigations and by such testimony decided to be swamp and overflowed lands, and which decisions were sustained by the Department at Washington; *provided*, the sums allowed under this Act shall not exceed, in the aggregate, two thousand dollars.

Claim, how
payable.

SEC. 2. The accounts shall be made for the lands embraced in said county, and when approved by said Board of Examiners, the County Auditor of San Joaquin County shall draw a warrant upon the County Treasurer for the amount so approved in favor of said J. G. Jenkins, payable out of the General Swamp Land Fund of the county, or if there be no "General Fund," then out of the District Fund of the district in which the land is located, and the County Treasurer shall pay the same.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DLXXXII.

An Act supplemental to an Act entitled "An Act to incorporate the City of Sacramento," approved April twenty-fifth, one thousand eight hundred and sixty-three.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Board of
Trustees
may
provide for
watering
streets.

SECTION 1. The Board of Trustees of the City of Sacramento in its discretion may, by ordinance, provide for watering at the expense of the incorporation, all or any part of the graded streets of the city, and to that end it is hereby authorized to levy a special tax, to be kept in the "Street Fund" for the payment of the expenses of such watering the streets. Such ordinance shall district the city or such parts thereof as it is determined shall be watered, and the contracts for watering the streets shall be let to the lowest responsible bidder or bidders, to be paid for by the month under the direction and control and to the satisfaction of the Street Commissioner; *provided*, that the aggregate expense of such watering of the streets shall not exceed twelve thousand dollars per annum.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DLXXXIII.

An Act for the relief of John J. Conlin.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized to pay to John J. Conlin the sum of twenty-nine hundred and eighty-three dollars and seven cents, which amount remains due and unpaid to the said John J. Conlin by virtue of a certain contract entered into by and between the said City and County of San Francisco with the said John J. Conlin, dated October nineteenth, eighteen hundred and seventy, to plank Kentucky street between the two bridges, and also in accordance with Resolution Number Twenty-nine Hundred and Thirty-eight of said Board of Supervisors, requesting that the Legislature pass an Act authorizing the payment of the amount named in this section.

Payment of
claim
authorized.

SEC. 2. The Auditor of said City and County of San Francisco is hereby authorized and directed to audit, and the Treasurer of said City and County of San Francisco is hereby authorized and directed to pay to the said John J. Conlin the aforesaid sum of twenty-nine hundred and eighty-three dollars and seven cents out of the General Fund of said city and county, upon the order of said Board of Supervisors authorizing the same.

Amount
and
manner of
payment.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DLXXXIV.

An Act to provide for the better protection of certain lands in San Joaquin County from overflow.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever a majority of the owners of any body of lands situated in that part of San Joaquin County bounded by a line beginning at a point on the United States segregation line one mile due north from the Calaveras River on the section line between sections twenty-eight and twenty-nine, township two north, range six east, Mount Diablo meridian; thence following said segregation line northerly to the center of section two, township three north, range five east, Mount Diablo meridian; thence due east to the center of section three, town-

Boundaries
and
manner of
petition
designated.

ship three north, range seven east, Mount Diablo meridian; thence due south to a point one mile north of the Calaveras River; thence westerly parallel with and one mile distant from said river to the point of beginning, shall petition in writing the Board of Supervisors of San Joaquin County for the establishment of a canal and embankment district within the limits aforesaid, it shall be the duty of said Board of Supervisors to appoint a day, which shall not be more than ten days after the presentation of said petition, to hear and consider said petition, and on the day appointed they shall proceed to hear and consider the same; and if said Board of Supervisors are satisfied that no land is improperly included or excepted from said proposed district, they shall grant the same, and their Clerk shall keep a record thereof, and cause each of the districts so organized to be numbered consecutively.

Sworn
petition.

SEC. 2. Said petition provided for in section one shall contain a correct and full description of the boundaries of said proposed district, with the reasons why the organization of the same is deemed necessary, and shall be sworn to by at least one of the petitioners.

Election of
Trustees
and their
powers.

SEC. 3. If said petition be granted by said Board of Supervisors, it shall be the duty of the Clerk of said Board, within twenty days thereafter, to call a meeting of the landholders of said district, at some convenient place therein, for the election of three persons to act as Trustees of said district. Said Trustees shall have the power to levy upon all the property in said district such an amount of tax in each year, not exceeding the sum of one dollar and fifty cents on each one hundred dollars in any one year, as they may deem necessary to protect and preserve said district from overflow; said taxes, when collected, to be expended by said Trustees by day's work or contract in the cutting and repair of canals and drains and the erection and repair of embankments, dams, weirs, and floodgates, and the doing of all such acts as they may deem necessary for the protection of said district from overflow; *provided*, that no water shall be turned from its natural course any more than is absolutely necessary for the protection of the district without the consent of all parties interested therein. Said Trustees shall hold office two years, and shall call meetings of the landholders of the district, by giving at least ten days notice for the election of their successors. At the time for the election of Trustees an Assessor shall be elected by the landholders, who shall also be Collector of Taxes, and shall receive such compensation as the Board of Trustees may determine, and shall hold his office for the term of two years, or until his successor is elected and qualified. All Trustees and Assessors shall be elected by a majority vote of the landholders present at any meeting called for such purpose. Any right of way needed by said Trustees, if the same cannot be otherwise obtained, shall be procured in the same manner as is provided by law for the procuring of rights of way by railroad corporations. The Trustees shall sit as a Board of Equalization; and within ten days after the Assessor shall have finished his assessment he shall submit the same to said Board of Trustees, and they shall give at least ten days notice previous to sitting as such Board of Equalization,

Terms of
office.

Assessor.

Equaliza-
tion of
assess-
ments.

by posting notices in three public places in said district; and they shall perform said equalization in a similar manner to the Board of Supervisors when they sit as a County Board of Equalization.

SEC. 4. All moneys collected under the provisions of this Act shall be paid into the County Treasury of San Joaquin County to the credit of the district, and shall be paid out of the County Treasury of said county upon warrants duly issued by the Trustees of the district. Payment of warrants.

SEC. 5. The Trustees of each district shall keep accurate minutes in full of all their transactions, and an accurate record of the affairs of the district, which minutes and record shall be open to the inspection of any landholder in the district. District records.

SEC. 6. The Assessor authorized to be elected under the provisions of this Act shall, when called upon by the Board of Trustees of their respective districts, immediately proceed to assess the value of the property in his district; and after such assessment has been equalized as hereinbefore authorized, he shall carry out in separate columns the totals of valuation and the totals of taxes charged to each person; and the several Boards of Trustees of the district organized under this Act are hereby empowered to make such provisions for the assessment and collection of taxes as may be necessary for that purpose; and all taxes that may be delinquent shall be collected in the same manner as is provided for the collection of State and county taxes. Assessment and collection.

SEC. 7. This Act, or any proceedings thereunder, shall not apply to or in any way interfere with reclamation districts already formed under the State law, the lands of which are already reclaimed, or under process of reclamation. Other districts.

SEC. 8. This Act shall take effect from and after its passage.

CHAPTER DLXXXV.

An Act to fix the compensation of the District Attorney of the County of Sacramento.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the salary provided for, the District Attorney in said county shall receive one thousand five hundred dollars per annum for a clerk, payable in monthly installments. He shall also be entitled to charge and receive ten per cent on all forfeited bonds and recognizances collected by him; for all amounts collected by him for State or county, other than bonds or recognizances, ten per cent on the amount collected; *provided*, that in no event shall the compensation in any one case exceed five hundred dollars; for every conviction Salary, fees, and other compensation.

Salary,
fees, and
other com-
pensation.

had under the Act to prohibit gaming and the Act to prohibit lotteries, gifts, raffles, gift entertainments, and other schemes, to be collected from the party or parties offending or convicted, fifty dollars; for each conviction of felony in the District Court, fifty dollars; for each conviction of felony in the County Court, twenty-five dollars; and for each conviction of misdemeanor in the County Court, fifteen dollars; for each conviction of misdemeanor, or where the party or parties are held to answer in the Justice's Court, fifteen dollars; but this shall not apply to any examination or conviction in the Police Court of Sacramento City. In all convictions the fees herein allowed shall be assessed against the defendant, and shall not become a county charge; *provided*, that in case the defendant is unable to pay them, then they shall be a county charge; but there shall be no charge made against the county for examinations or convictions had in the Justices' Courts, nor shall any charge be made against the City of Sacramento.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed, so far as they conflict with this Act.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DLXXXVI.

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Property of
judgment
debtor
exempt
from
execution.

SECTION 1. Section two hundred and nineteen of the above entitled Act is amended to read as follows:

Section 219. The following property shall be exempt from execution, except as herein otherwise provided:

First—Chairs, tables, desks, and books, to the value of two hundred dollars, belonging to the judgment debtor.

Second—Necessary household, table, and kitchen furniture belonging to the judgment debtor, including one sewing machine, stove, pipes and stove furniture, wearing apparel, beds, bedding, and bedsteads, provisions actually provided for individual or family use sufficient for three months, and two cows and their sucking calves and food for such cows for one month.

Third—The farming utensils or implements of husbandry of the judgment debtor; also, two oxen or two horses or two mules, and their harness, four cows, with their sucking calves, five head of hogs, two dozen domestic fowls, one cart or wagon, and food for such oxen, horses, mules, cows, hogs, or fowls for one month; also, all seed grain or vegetables actually provided, reserved, or on hand for the purpose of planting or sowing at

any time within the ensuing six months, not exceeding in value the sum of two hundred dollars.

Fourth—The tools or implements of a mechanic or artisan necessary to carry on his trade; the notarial seal and records of a notary public; the instruments and chests of a surgeon, physician, surveyor, or dentist necessary to the exercise of their profession, with their scientific and professional libraries; the law libraries of attorneys and counselors, and the libraries of ministers of the gospel, editors, school teachers, and professors of music, also the musical instruments of a professor of music.

Fifth—The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also, his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements, and appliances necessary for carrying on any kind of mining operations, not exceeding in value the aggregate sum of five hundred dollars, and two horses, mules, or oxen, with their harness, and food for such horses, mules, or oxen, for one month, when necessary to be used in any whim, windlass, derrick, car, pump, or hoisting gear; and, also, his mining claim actually worked by him, not exceeding in value the sum of one thousand dollars.

Sixth—Two oxen, two horses, or two mules, and their harness, and one cart or wagon, one dray or truck, one coupée, one hack or carriage, for one or two horses, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster, or other laborer, habitually earns his living, and one horse, with vehicle and harness, or other equipments used by a physician, surgeon, or minister of the gospel in making his professional visits, with food for such oxen, horses, or mules, for one month.

Seventh—All fire engines, hooks, and ladders, with the carts, trucks, and carriages, hose, buckets, implements and apparatus thereto appertaining, and all furniture and uniforms of any fire company or department organized under any law of this State.

Eighth—All arms, uniforms, and accouterments required by law to be kept by any person, and one shot or rifle gun.

Ninth—All Court Houses, Jails, public offices and buildings, lots, grounds, and personal property; the fixtures, furniture, books, papers, and appurtenances belonging and pertaining to the Court House, Jail, and public offices belonging to any county of this State; and all cemeteries, public squares and places, public buildings, town halls, markets, buildings for the use of Fire Departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament, or public use, or for the use of any fire or military company organized under the laws of this State; but no article or species of property mentioned in this section is exempt from execution issued upon a judgment recovered for its price, or upon a mortgage thereon.

Tenth—The earnings of the judgment debtor, for his personal services, rendered at any time within thirty days next preceding the levy, execution, or levy of attachment, when it appears by the debtor's affidavit or otherwise that such earnings are

Property of
judgment
debtor
exempt
from
execution.

necessary for the use of his family, residing in this State, supported wholly or in part by his labor.

Eleventh—The shares held by a member of a homestead association, duly incorporated, not exceeding in value one thousand dollars, if the person holding the shares is not the owner of a homestead under the laws of this State; all the nautical instruments and wearing apparel of any master, officer, or seaman on any steamer or other vessel.

SEC. 12. This Act shall take effect immediately.

CHAPTER DLXXXVII.

An Act to establish a Paid Fire Department in the City of Sacramento.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Board of
Fire Com-
missioners.

Qualifica-
tions
requisite.

Prohibi-
tion.

Official
bonds.

Organiza-
tion of the
Board.

SECTION 1. There shall be a Board of Fire Commissioners of the City of Sacramento, consisting of three persons, citizens of the United States, and residents of the City of Sacramento for at least three years previous to their appointment or election as such Commissioners; said Board of Fire Commissioners to be appointed by the Governor of the State of California, within thirty days after the passage of this Act, and shall hold office until the annual city election in eighteen hundred and seventy-three, and until their successors are elected and qualified. Each of the Commissioners appointed under the provisions of this Act, by the Governor, shall be or have been a member of the Volunteer Fire Department of Sacramento. At the regular city election in eighteen hundred and seventy-three, there shall be elected by the qualified electors of the City of Sacramento, three Fire Commissioners, one of whom shall hold office for one year, one for two years, and one for three years, their respective terms of office to be determined by lot; and annually thereafter, at the regular city election, one Commissioner shall be elected, whose term of office shall be for three years; *provided* further, that no Commissioner appointed or elected under the provisions of this Act shall be a member of the Board of Trustees of the City of Sacramento. Each person appointed or elected a Fire Commissioner shall, before entering upon the duties of his office, give a bond in the sum of twenty thousand dollars, to be approved by the County Judge of Sacramento County, for the faithful discharge of his duties.

SEC. 2. The said Commissioners shall, within ten days after their appointment, as provided in section one, file their bonds, and, within five days thereafter, shall meet at Fireman's Hall and organize by electing one of their number President. They

shall also elect a Secretary, who shall have been a resident of Sacramento for three years, and a member in good standing of the Volunteer Fire Department of Sacramento, and who shall receive a salary of seventy-five dollars per month. Said Commissioners, upon their organization, shall have power to and are hereby directed and authorized to make all necessary arrangements, and do and perform all acts necessary to prepare the Fire Department constituted by this Act to go into operation March first, eighteen hundred and seventy-three. Said Commissioners shall have power to fit up an office for their use, which shall be centrally located, the costs of which, together with rents and necessary stationery, shall not exceed three hundred dollars per annum, and, with the salary of their Secretary, shall be paid out of the General Fund of the City of Sacramento until April first, eighteen hundred and seventy-three, after which date they shall be paid out of the Fund created by this Act. Said Commissioners are hereby given full power over the Fire Department constituted by this Act, and shall adopt a seal therefor.

Powers and
duties.

SEC. 3. The Fire Department of the City of Sacramento constituted by this Act shall, when organized, consist of one Chief Engineer and one Assistant Engineer, who shall also be a Corporation Steward; two Steam Fire Engine Companies, to consist each of one Foreman, one Engineer, one Driver, one Fireman, and four Extramen; one Hook and Ladder Company, to consist of one Foreman, one Driver, and six Extramen; and two Hose Companies, to consist of one Foreman, one Driver, and four Extramen; and such horses as the Commissioners may designate, not exceeding twelve for the department. The Driver of each company shall also be Steward thereof. Each company to be uniformed and equipped with necessary hose and apparatus, as directed by the Board of Fire Commissioners.

Organiza-
tion and
officers of
the Fire
Depart-
ment.

SEC. 4. All officers and members of the Fire Department constituted by this Act shall be appointed by the Board of Fire Commissioners, and shall be removable at the pleasure of said Board, except the Chief and Assistant Engineer. The Chief and Assistant Engineer first appointed under this Act shall hold office until the first day of August, eighteen hundred and seventy-three; and the subsequent appointees shall each hold office for two years. Each Chief and Assistant Engineer appointed under the provisions of this Act may be removed by the Board of Fire Commissioners for inefficiency, misconduct, or misfeasance in office, upon written charges, due investigation, and a fair trial. The Board of Fire Commissioners shall, from time to time, as they deem necessary, prescribe rules and regulations for the government of the Fire Department constituted by this Act, which shall be binding thereupon, and shall be printed and distributed gratis to each member.

Chief
Engineer
and
Assistant.

Rules and
regula-
tions.

SEC. 5. The Chief Engineer shall receive a salary of one hundred dollars per month; the Assistant Engineer shall receive a salary of ninety dollars per month; each Engineer of each engine company shall receive a salary of one hundred dollars per month; each Foreman shall receive a salary of thirty dollars per month; each Driver shall receive a salary of seventy-five dollars per month; each Fireman shall receive a

Salaries.

- salary of seventy-five dollars per month; and each Extraman shall receive a salary of twenty dollars per month. Each Steam Engineer, Driver, and Fireman shall give his whole time to the department, and shall not engage in any other trade, business, profession, or occupation. Each salary to be paid on the first day of each calendar month out of the Fund provided for in section ten of this Act. Said Board of Fire Commissioners shall have no power to raise the salary of any person connected with the department. The present Chief and Assistant Engineers, and other officers of the present Volunteer Fire Department of the City of Sacramento, except officers of companies, are hereby continued in office until the first Monday of August, eighteen hundred and seventy-two.
- Continued in office.** SEC. 6. The present Volunteer Fire Department of Sacramento is hereby continued in operation, after the first Monday in August, eighteen hundred and seventy-two, under the direction of the Board of Fire Commissioners, until the Paid Fire Department constituted by this Act shall go into operation.
- Volunteer Fire Department.** SEC. 7. The engines purchased for the Fire Department constituted by this Act shall be of steam and of the best approved make and pattern, and all the property and apparatus of every description purchased for the use of said department shall be of the best material and of the best approved make and pattern, and the Board of Fire Commissioners shall exercise all possible care in buying such property.
- Engines.** SEC. 8. All the property, of every name, nature, and description now belonging to the City of Sacramento and in use by the present Volunteer Fire Department of said city, except such as the Board of Fire Commissioners may deem suitable for the use of the Fire Department constituted by this Act, and except one engine house, which shall be selected by the Exempt Firemen's Association of Sacramento, formed in eighteen hundred and seventy-two, for their use, shall be sold by said Board of Fire Commissioners to the best advantage, either at public or private sale, subject to the approval of the Board of Trustees of Sacramento, and the proceeds thereof used in defraying the expenses of organizing and maintaining the Fire Department constituted by this Act. And said Board of Trustees are hereby authorized to transfer any or all of the property sold under this Act, by deed or otherwise. And in case the present Volunteer Fire Department of Sacramento shall fail, neglect, or refuse, or its members or companies shall fail, neglect, or refuse to perform their duties after the passage of this Act, and until the organization of the Fire Department constituted by this Act, the Board of Fire Commissioners are hereby empowered to take possession of any or all engines, hose, houses, hooks and ladders, and other appurtenances belonging to the City of Sacramento and in use by said Volunteer Fire Department; and to make such arrangements for the protection of the City of Sacramento from fire, until the due organization of the Fire Department constituted by this Act, as they may deem necessary, the expense thereof to be paid out of the General Fund of the City of Sacramento.
- Sale of property directed.** SEC. 9. To provide means for the payment of the expenses of organizing the Fire Department constituted by this Act, the
- In case of emergency.**

Board of Trustees of the City of Sacramento are hereby empowered and directed to issue, on or before the first day of July, eighteen hundred and seventy-two, the bonds of said City of Sacramento to the amount of fifty thousand (\$50,000) dollars, principal and interest payable in gold coin of the United States, and to dispose of the same to the best advantage, at not less than eighty cents on the dollar; the proceeds of the sale of said bonds to be paid into a Fund to be known as the "Paid Fire Department Fund of the City of Sacramento." Said bonds shall be signed by the City Auditor and City Treasurer, who shall each keep a register of the number and amount of such bonds, and countersigned by the President of the Board of Trustees of the City of Sacramento, and to be issued in such sums of not less than one hundred nor more than five hundred dollars each, as the Board of Trustees may designate, and to bear eight (8) per cent per annum interest, and to be payable in twenty years from date, interest payable annually, on the first day of July, at the office of the Sacramento City Treasurer. There shall be coupons attached to such bonds for each annual interest to accrue thereon, which coupons shall be signed by the City Treasurer. At the time for levying the city taxes in eighteen hundred and seventy-three, and annually thereafter, the Board of Trustees of the City of Sacramento shall levy a special tax of four cents on the one hundred dollars, to pay the yearly interest on said bonds, which tax shall be paid into a special Fund, to be known as the "Fire Department Bond and Interest Fund of the City of Sacramento," and shall be used for no other purpose than defraying the interest on said bonds, and redeeming the same, as provided in section fifteen of this Act. The Fund raised by the sale of said bonds shall be used solely for the purpose of defraying the expenses of or organizing the Fire Department constituted by this Act, and the payment of salaries of officers and men, and shall be paid out by warrants drawn by the City Auditor, and paid by the City Treasurer upon claims duly allowed by the Board of Fire Commissioners, and shall be under the sole direction of said Board of Fire Commissioners.

Rate of
interest.

Annual
tax for
interest.

SEC. 10. On or before the first day of March, eighteen hundred and seventy-three, and annually thereafter, the Board of Fire Commissioners shall report fully and in detail to the Board of Trustees of the City of Sacramento the operations of the past year and a statement of all the property under the control of said Board of Fire Commissioners, and its condition, together with such recommendations and suggestions as they see fit, and an estimate of the probable expense of the Fire Department constituted by this Act for the ensuing year. And said Board of Trustees are hereby authorized and directed, at the time for levying city taxes in eighteen hundred and seventy-three, and annually thereafter, to levy a special tax sufficient to raise the amount so estimated and reported by said Board of Fire Commissioners, which tax shall be paid into a Fund to be known as the Fire Department Fund of the City of Sacramento, and shall be subject solely to the control of said Board of Fire Commissioners, and shall be paid out by the City Treasurer upon war-

Annual
report of
the Board.

Annual
levy of tax.

rants drawn by the City Auditor for claims duly allowed by said Board of Fire Commissioners.

Oath
relating to
political
bias.

SEC. 11. Before entering upon the discharge of the duties of his office, each Commissioner appointed or elected under the provisions of this Act shall take an oath of office, and shall also take a solemn oath or affirmation that he will neither appoint or remove an officer or member of the Fire Department constituted by this Act by reason of politics, but solely on account of fitness or unfitness, each of said oaths to be in writing and to be filed with the City Auditor.

Sacra-
mento
City
officers.

SEC. 12. Each and every officer of the City of Sacramento, now in office or hereafter to be elected, is hereby directed and commanded to do all acts herein provided for him or them to be done in the manner and at the time herein provided, and to give said Board of Fire Commissioners any and all reports, statements, advice, assistance, and aid, free of charge, demanded or requested by said Board of Fire Commissioners, and generally to aid said Board of Fire Commissioners in organizing the Fire Department constituted by this Act, and in managing said department thereafter; and the taxes provided for in this Act shall be levied and collected as other city taxes of said City of Sacramento are levied and collected.

Depart-
ment
buildings.

SEC. 13. The Board of Fire Commissioners are hereby empowered and authorized to refit and repair any of the buildings now used by the Volunteer Fire Department of the City of Sacramento for the use of the Fire Department constituted by this Act.

Exempt
firemen.

SEC. 14. Any person who may have been a member in good standing of the present Volunteer Fire Department of the City of Sacramento on the first day of August, eighteen hundred and seventy, and who shall remain such member up to the first day of August, eighteen hundred and seventy-two, shall be entitled to enjoy all the privileges and immunities now enjoyed by exempt firemen of said city under the existing laws of this State. Any such person shall, upon application and proper proof of such service, receive a certificate to that effect from the person or persons now issuing such certificates, and in the same form and at the same fee as exempt firemen are now entitled to receive such certificates.

Certificates

Redemp-
tion of
bonds.

SEC. 15. Whenever, on the first day of July in any year, the sum of one thousand dollars or over shall be in the Fire Department Bond and Interest Fund of the City of Sacramento, after paying the interest due on said day, it shall be the duty of the Board of Trustees of the City of Sacramento to advertise for a period of two weeks in one daily paper in the City of Sacramento, for sealed proposals, to be opened on a certain day, for the redemption of the bonds issued under the provisions of this Act. On the day specified the said Trustees shall, in the presence of the City Auditor, open the proposals offered, and shall pay, so far as the funds will extend, such of said bonds as may be offered, at the lowest rates; *provided*, the rate shall not be more than the par value thereof and accrued interest; and *provided* further, should there be no bonds offered at such rates of par value and interest, or less, then the payment of such sum in the Fund shall be made upon such bonds accord-

ing to the number of said bond. Two weeks notice of the number of such bonds to be so paid shall be given by said Trustees, after which time said bonds shall cease to bear interest.

SEC. 16. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed; and this Act shall take effect and be in force from and after its passage.

CHAPTER DLXXXVIII.

An Act in relation to the State Printer.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Printer must, from time to time, present his accounts for material furnished and work done, to the Board of ^{Board of} Examiners, who must examine the same, and, if found correct, allow them.

SEC. 2. The Controller must, from time to time, draw his warrants on the Treasurer for such sums as may be due the State Printer, payable out of the appropriation for printing, paper, and official advertisements; but he must not draw his warrant for any account of the State Printer till the same shall have been examined and allowed by the Board of Examiners.

SEC. 3. All Acts in conflict with this Act are hereby repealed, so far as they conflict.

SEC. 4. This Act shall take effect immediately.

CHAPTER DLXXXIX.

An Act in regard to Swamp Land District Number Eighteen.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two hundred dollars is hereby appropriated to Amos Mathews, payable out of the Fund of Swamp Land District Number Eighteen, the said sum being payment for services in making State segregation, by order of the Board of Supervisors of Yolo County. ^{Two hundred dollars.}

SEC. 2. The State Controller is hereby authorized and required, immediately on the passage of this Act, to issue to said

Con-
troller's
warrant to
Amos
Mathews.

Amos Mathews a warrant, drawn payable out of the Fund of said district, for the amount of two hundred dollars, and charge the said amount to the Fund of said district, the same as in cases heretofore provided for by law.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DXC.

An Act for the support of certain cemeteries in Tehama County.

[Approved April 1, 1872.]

*The People of the State of California, represented in Senate and
Assembly, do enact as follows:*

Red Bluff
Cemetery.

SECTION 1. The Lodge of "Independent Order of Odd Fellows" and the Lodge of "Free and Accepted Masous," situated in the Town of Red Bluff, shall elect from their respective bodies each one Trustee for the Red Bluff Cemetery, and the Trustees so elected shall hold office for four years, except those first elected, who shall classify themselves by lot as that one shall go out of office every two years.

Tehama
Cemetery.

SEC. 2. The Lodge of "Independent Order of Odd Fellows" and the Lodge of "Free and Accepted Masons," situated in the Town of Tehama, shall elect from their respective bodies each one Trustee for the "Tehama Cemetery," and the Trustees so elected shall hold office for four years, except those first elected, who shall classify themselves by lot, so that one shall go out of office every two years.

Trustees.

SEC. 3. If more than one Lodge of either of the "fraternities" mentioned above should exist in either one of the towns named in this Act, then the several Lodges of such "fraternities" in that town shall assemble in joint convention to elect a Trustee to represent them. A Trustee elected to succeed a Trustee need not be a member of the same Lodge, though he must be a member of the same "fraternity" as the Trustee to whose office he succeeds.

President.

SEC. 4. The President of the Board of Supervisors of Tehama County shall be ex officio Chairman of each of the two Boards of Trustees provided for by this Act.

Tax.

SEC. 5. There shall be levied a tax of one tenth of one per cent on all the taxable property of Tehama County, to be levied, assessed, and collected in the same manner as other State and county taxes are levied, assessed, and collected for the use and benefit of said cemeteries.

Apportion-
ment.

SEC. 6. The Board of Supervisors of Tehama County shall so apportion the funds derived from the tax provided for in the preceding section that three fifths thereof shall be for the use of the "Trustees" of the "Red Bluff Cemetery" and two fifths of the funds so raised shall be for the use of the Trustees for the "Tehama Cemetery."

SEC. 7. The Board of Supervisors shall audit and allow all just claims which may be certified by the appropriate Board of Trustees (or a majority of the members of such Board) to any amount not exceeding the amount of the funds apportioned as provided in section six for the use of the respective Boards of Trustees, but each Board of Trustees shall only be authorized to receive the moneys apportioned for its separate use. Payment of claims.

SEC. 8. The Trustees created by this Act shall receive no compensation, and shall expend the moneys appropriated by this Act only for the purpose of maintaining, keeping in order, or purchasing additional grounds for the use of their respective cemeteries. Services gratuitous.

SEC. 9. The cemeteries mentioned in this Act shall be laid out and shall continue open for the burial of all persons whomsoever, upon the payment of reasonable charges; but if the person deceased is without means to pay for a burial lot, then such burial lot shall be furnished by the Trustees, free of charge. Prices of burial lots.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAPTER DXCI.

An Act to provide for the payment of certain Controller's warrants drawn upon the State Treasury.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All payments due or to become due from sales of swamp and overflowed lands in those swamp land districts having an outstanding indebtedness represented by Controller's warrants drawn upon the State Treasury, are hereby pledged and appropriated to the payment of such warrants until they are wholly paid according to the laws under which they were issued, and no suspension or remission of principal or interest on lands in such districts shall be permitted from any cause until all of such warrants are fully paid. Payments on swamp lands pledged to redemption of warrants

SEC. 2. Whenever hereafter any payments shall be made to the several County Treasurers of this State, whether of principal or interest, upon any swamp and overflowed land in any district upon the funds of which any such warrants are outstanding and unpaid, it shall be the duty of such County Treasurer to pay the same into the State Treasury at the time of making payments upon other State lands, and at their next payment to the State Treasurer they shall pay over all moneys or warrants which have heretofore been received from such lands; all of which moneys shall be placed in the State Treasury County Treasurer.

State Treasurer. to the credit of the Swamp Land District Fund upon which they have been received, and shall be paid out by the State Treasurer upon the warrants named in this Act, in the order of their dates and numbers, until all of said warrants are paid out of their respective Funds; and as soon as all the warrants drawn upon the funds of any district have been paid, the County Treasurer shall thereafter retain the funds received from lands and apply them as now required by law; *provided*, that in districts having such outstanding indebtedness payments upon lands shall be made only in gold coin of the United States or in

Payments. such warrants, without regard to their dates or numbers; and *provided* further, that no action of the landholders in such districts shall be lawful which shall have the effect to delay or postpone the payments due the State; and to give efficiency to this proviso, the unpaid eighty per cent of principal shall be held to be due and payable on lands in such districts on the first day of January, eighteen hundred and seventy-four, except upon

Balance of principal, when to be paid. such sales as the five years credit already given shall expire prior to that date, which lands shall be paid for as now provided by law; and if any lands in such districts are abandoned or forfeited, such abandonment shall not extend the time of payment in full for such land beyond the first day of January, eighteen hundred and seventy-four.

SEC. 3. This Act shall take effect from date of its passage.

CHAPTER DXCII.

An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salaries and fees. SECTION 1. Such salaries, compensation, and fees shall be allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully demand, charge, and receive the same in gold or silver coin.

Supervisors. SEC. 2. The Supervisors, for all services rendered in discharging the duties imposed upon them by law or by virtue of their office, shall each receive the sum of eight hundred dollars per annum and twenty cents per mile in traveling from their places of residence to the County Court House; *provided*, that only one mileage shall be allowed at each term.

Superintendent of Schools. SEC. 3. The County Superintendent of Public Schools shall receive, for all services required of him by law, or by virtue of his office, the sum of two thousand dollars; and he shall visit each public school in the county at least twice in each school year.

SEC. 4. The District Attorney shall receive, for all services required of him by law, or by virtue of his office, a salary of fifteen hundred dollars a year and the following fees: Ten per cent on all forfeited bonds, for the first five hundred dollars, and three per cent on all over that sum; *provided*, that in no one case shall the compensation exceed one hundred and fifty dollars; and on all forfeited recognizances he shall receive ten per cent on the first five hundred dollars, and three per cent on all over that sum; *provided*, that in no one case shall the compensation exceed one hundred and fifty dollars; for services rendered by him in the collection of delinquent taxes, five per centum of the amount collected, to be added thereto if paid before judgment, if not so paid then ten per centum to be added to and constitute a part of the judgment; *provided*, that in no case shall the State or county become liable for such per centum; for all amounts collected by him for the State or county, other than delinquent taxes, forfeited bonds and recognizances, eight per centum on the amount collected; *provided*, that in no event shall the compensation in any one case exceed two hundred and fifty dollars; for every conviction had under the Act to prohibit gaming, and the Act to prohibit lotteries, gifts, raffles, gift enterprises, and other schemes, to be collected from the party or parties offending or convicted, twenty-five dollars; for each conviction of felony, where the penalty is death, fifty dollars; for each trial and conviction of felony, where the penalty is not death, twenty-five dollars; and for each trial and conviction for misdemeanor, fifteen dollars. In all trials and convictions the fees herein allowed shall be assessed against the defendant, and shall not become a county charge; *provided*, that in a conviction, where the penalty is death, the fee shall become a county charge upon the inability of the defendant to pay the same.

SEC. 5. The Sheriff, for all services required of him by law or by virtue of his office, to include the pay of Jailer and all deputies, the sum of five thousand five hundred dollars per annum; *provided*, that he shall keep for his own use and benefit the mileage now allowed by law. The Sheriff shall serve all subpoenas for witnesses required to attend before the Grand Jury to be served in the county, and all subpoenas in criminal actions issued out of the District or County Court to be served in the county, and execute all bench warrants issued out of the County Court. He shall serve all special venirens issued in criminal actions out of the District and County Courts, and convey all prisoners to the State Prison. He shall serve all other subpoenas, processes, and warrants pertaining to criminal actions in the District and County Courts.

SEC. 6. The Treasurer shall receive, for all services required of him by law, or by virtue of his office, the sum of three thousand dollars per annum; *provided*, he shall also receive, for his own use and benefit, the mileage allowed by the State and the fee on licenses now allowed by law.

SEC. 7. The County Clerk, for all services required of him by law, or by virtue of his office, to include all services rendered ex officio as Clerk of the Board of Supervisors, or any other service required by law or by virtue of his office, and to

include the pay of deputies and clerk hire, shall receive the sum of forty-three hundred dollars per annum.

County
Recorder.

SEC. 8. The County Recorder, to include all services performed as Auditor ex officio, and to include pay for deputies and clerk hire, shall receive in full compensation for all services required of him by law, or by virtue of his office, the sum of thirty-eight hundred dollars per annum.

Officers
must fully
perform
their
duties.

SEC. 9. It shall be the duty of all officers named in this Act to complete the business of their respective offices to the expiration of their respective terms; and in case any officer, at the close of his official term, shall leave to his successor official labor to be performed, for which he has received compensation, or which it was his duty to perform, he shall be liable to pay to his successor the full value of such services, which may be recovered in any Court of competent jurisdiction.

No extra
compensa-
tion.

SEC. 10. None of the officers mentioned in this Act shall receive any other compensation whatever, for any services that now or may hereafter be required of them in the discharge of their respective offices. No office which is now or may hereafter be created, the duties of which, in whole or in part, shall be devolved on such officers, shall entitle them to receive any extra compensation therefor, but all fees received by any of the officers herein named shall be paid into the County Treasury.

Fees.

SEC. 11. The Recorder, ex officio Auditor, and the County Clerk as such, and as ex officio Clerk of the Courts of record and Clerk of the Boards of Supervisors, Equalization, and Canners, shall receive the fees allowed by law, but all such fees shall be paid into the County Treasury.

Payments
monthly to
County
Treasurer.

SEC. 12. The officers named in sections five, six, seven, and eight of this Act shall collect and safely keep all fees, commissions, and percentage now allowed by law for services rendered by them in their several official capacities, and upon the first Monday of each month shall pay over the same to the County Treasurer; and any compensation or allowance made by the Revenue or other laws of the State out of the State Treasury, or funds of the Auditor, Treasurer, or Collector, shall hereafter be retained in or paid into the County Treasury, except such fees, commissions, or percentage as, by the provisions of this Act, they are allowed to keep for their own use and benefit.

Fee books.

It shall be and is hereby made the duty of all such officers who are entitled to charge and collect or receive fees, commissions, or other compensation for official services, to keep a book or books in which shall be entered by items the amount received for all official services performed by them or any of their deputies, showing the date and nature of such services and the amount received therefor, which book or books shall at all office hours be open to the inspection of the Board of Supervisors or any citizen. All fees or compensation for official services which, under this Act, are required to be paid into the County Treasury, shall go into the General Fund of the county.

Refusal or
neglect.

SEC. 13. Any officer who shall willfully neglect or refuse to keep and exhibit such fee book as required in the preceding section, shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine not exceeding one thousand dollars and

by sentence of removal from office, if in office at the date of sentence.

SEC. 14. The officers required by this Act to pay the fees collected by them into the County Treasury, shall, on the first Tuesday of each and every month, at the regular meeting of the Board of Supervisors, present his fee book to said Board, with the same footed up, and the County Treasurer's receipt annexed that the same has been paid into the Treasury. He shall also make an affidavit in the form as follows:

"I, —, Clerk — (or other officer, as the case may be) of the County of San Joaquin, do solemnly swear that the entire fees, compensation, commissions, percentage, or payments for all services by me, or any deputies or person connected with my office for me, has been returned in detail in this fee book of my office and added up, and that the amount thereof is the full amount received or charged since the last payment; and that neither myself, nor, to my knowledge, any deputy for me, has rendered any service for which fees are chargeable and payable to the county which is not entered in the fee book and added up to make the sum paid to the 'Treasurer.'"

Both the Treasurer's receipts and the affidavit named in this section shall be written upon the face of the fee book, following the record of the fees for the month.

SEC. 15. For a willful neglect or refusal to comply with section fourteen of this Act, the officer or officers named shall have their accounts rejected by the Board of Supervisors and be deemed guilty of a misdemeanor, and on conviction thereof be fined in any sum not exceeding one thousand dollars or imprisoned in the County Jail not exceeding one year, or both such fine and imprisonment, and shall be deprived of his office; *provided*, that nothing in said section shall release them from giving any bond required of them by law, or from any civil responsibility to any and all persons in relation to the business that may be applicable to their several official duties.

SEC. 16. Any officer required by this Act to pay his fees into the Treasury who shall credit any person for fees, percentage, or commissions, for any services rendered in the discharge of his official duties required by law, or by virtue of his office, shall do so at his own risk, and the same shall be entered in the fee book and paid over at the end of the month, the same as if it had not been credited.

SEC. 17. Upon the officers presenting their fee books, with the receipt of the Treasurer, and making the affidavit as required in section fourteen of this Act, the Board of Supervisors shall allow and order paid, out of the General Fund of the county, the proportion of the salary due such officers.

SEC. 18. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 19. This Act shall take effect and be in force on and from the first Monday in March, A. D. eighteen hundred and seventy-four.

Sworn
statements
to Board of
Supervisors.

Penalty for
violating
section
fourteen.

False
entries.

Payments
of salaries.

CHAPTER DXCIII.

An Act to provide funds to be applied to building a House of Correction in the City and County of San Francisco, and to authorize the construction of such House of Correction.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

| | |
|-------------------------|---|
| Issuance of bonds. | SECTION 1. The Mayor, Auditor, and Treasurer of the City and County of San Francisco, by and with the consent of the Board of Supervisors of said city and county first obtained by ordinance, are hereby authorized and empowered to issue from time to time, as may be directed by the said Board of Supervisors and as may be necessary for the purposes herein named, bonds not exceeding in the aggregate the sum of one hundred and fifty thousand dollars. |
| Description | SEC. 2. Said bonds shall be issued in such manner and at such times not inconsistent with the foregoing section, and made payable in the City and County of San Francisco, at the office of the Treasurer of said city and county, both principal and interest, at such times, not exceeding twenty years from the time of their issuance, as the Board of Supervisors may prescribe by ordinance. The interest on said bonds shall not exceed seven per cent per annum, and shall be paid semi-annually; and both principal and interest shall be payable in United States gold coin. |
| Name. | SEC. 3. The said bonds shall be signed by the Mayor, Auditor, and Treasurer of the City and County of San Francisco, and shall be known as the "House of Correction Fund Bonds of the City and County of San Francisco." |
| Coupons. | SEC. 4. Said bonds shall have coupons attached to them for the semi-annual interest which may accrue upon them, signed by the Auditor of said city and county; and the faith and credit of the said City and County of San Francisco are hereby pledged for the redemption of the same and for the payment of the principal and interest thereof. |
| Sale. | SEC. 5. Whenever said bonds or any portion of them are issued, the Treasurer and Auditor of said city and county are hereby authorized and empowered to sell the same to the highest bidder thereof, after having first advertised the same for three consecutive weeks in three daily papers published in said city and county. All money derived from the issue and sale of said bonds shall be appropriated and used for the sole purpose of building and furnishing a House of Correction upon any property of the City and County of San Francisco, to be selected by the Board of Supervisors and approved by the Mayor, south of Twenty-sixth street or west of new Cemetery Avenue, in the City and County of San Francisco; the style and material thereof, the construction, and all contracts and plans relating thereto to be determined by said Board of Supervisors, and in all cases to be approved before the adoption or |
| Use of moneys received. | |

ratification of the same by the Mayor, Auditor, and Treasurer ^{Price.} of said city and county. But no bonds authorized to be issued by this Act shall be sold for a less sum than ninety cents in gold coin on the dollar, par value. Said House of Correction shall be used for the safe keeping of such persons as shall be sentenced to be punished for crime by the Criminal Courts of the City and County of San Francisco, and are now and who would be confined in the County Jail.

SEC. 6. To secure the payment of the principal and interest ^{Payment of principal and interest.} of said bonds, the Board of Supervisors of the said City and County of San Francisco shall, when deemed necessary by them for the purpose in this section provided, levy an annual tax upon all the taxable property in the said City and County of San Francisco; and a sufficient sum or sums shall be raised by such annual levies to pay the principal of said bonds when the same shall become due. And it shall be the duty of the Treasurer of said city and county to set apart annually out of the moneys coming into the Treasury to the credit of the House of Correction Fund, raised by said annual tax, a sum sufficient to pay the semi-annual interest on said bonds, and also to provide a Sinking Fund sufficient for the redemption of the same at maturity.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER DXCIV.

An Act to amend an Act entitled "An Act to repeal an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco, to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April four, eighteen hundred and sixty-four, approved March thirtieth, eighteen hundred and sixty-eight."

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. An Act to declare and regulate the power of the ^{Repealed} Board of Supervisors of the City and County of San Francisco, to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four, is hereby repealed; *provided*, nothing herein contained shall affect any proceedings thereunder taken to widen Kearny and Third streets.

SEC. 2. This Act shall take effect immediately after its passage.

CHAPTER DXCV.

An Act to provide and pay for services rendered the City and County of San Francisco.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Statement
in writing
to be filed.

SECTION 1. It shall be lawful for all persons who rendered services or performed labor under the direction or upon the authority or at the request of the Commissioners appointed under those two several resolutions of the Board of Supervisors of the said city and county, to wit: Number Six Thousand Three Hundred and Seventy-one and Seven Thousand Five Hundred, approved respectively January seven, eighteen hundred and sixty-seven, and October twenty-eight, eighteen hundred and sixty-seven, to file with the Clerk of the Board of Supervisors of the City and County of San Francisco a brief statement in writing, setting forth the nature and character of the service rendered or service performed, and the amount claimed therefor, together with any vouchers or written or other evidence of the employment for which compensation is claimed. Said statement shall be addressed to the said Board of Supervisors, and shall contain a prayer that the petitioner be allowed the amount set forth in the statement.

Examina-
tion of
claims.

SEC. 2. The claimant shall, within thirty days after the filing of the statement mentioned in section first of this Act, give at least five days notice to the attorney of the said city and county that he will, on a day named, bring the matter of his claim on for hearing and adjudication before the Board of Supervisors; and on the day specified in said notice, or on such other day or days as the hearing may be adjourned to, the said Board of Supervisors shall proceed to hear the said applicant, who may be sworn and examined in his own behalf, and such other proofs or witnesses as may be adduced in support of or in opposition to the matter of the employment of and the value of the services performed by the claimant. It is hereby made the duty of the said Board of Supervisors, if they are satisfied that such applicant is lawfully entitled to compensation, to fix and determine the amount of compensation to which such applicant shall be entitled according to the evidence adduced before them, and shall file with the Auditor of said city and county his determination thereof, in writing, and thereupon the same shall be audited by said Auditor, who shall draw his warrant for the amount thereof on the General Fund of the Treasury of said city and county, and the Treasurer of said city and county shall pay the amount thus audited out of the General Fund belonging to said city and county.

Manner of
payment.

SEC. 3. If the proceeding to extend Montgomery and Connecticut streets, now pending in the County Court of said city and county under resolution number seven thousand five hundred of the Board of Supervisors of said city and county, and

the resolution preliminary thereto, shall be dismissed, or discontinued by direction, procurement, or consent of said Board of Supervisors, or by reason of any action of the Legislature, then all the allowances made by John A. Stanley, County Judge of said city and county, and contained in Exhibit A, attached to the order of said Judge, made and entered in said proceeding on the first day of March, A. D. eighteen hundred and seventy-one, and which have not been paid, shall be submitted to the Board of Supervisors as provided for submitting other claims named in section one of this Act, and if allowed by said Board, shall be audited and paid as other claims mentioned in said section.

Contingent provision for certain specified claims.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER DXCVI.

An Act to amend an Act providing for the appointment of additional Notaries Public in Sacramento County, approved April fourth, eighteen hundred and seventy.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

[SECTION 1.] Section one of said Act is hereby amended so as to read as follows:

Section 1. The Governor is hereby authorized to appoint four additional Notaries Public in Sacramento County, who shall hold their offices for a period of two years, and until their successors shall have been appointed and qualified; *provided*, however, that one of said Notaries shall reside at Galt and one at Hicksville.

Additional Notaries.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DXCVII.

An Act to provide funds for the further reclamation of Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Auditor and Treasurer of Sacramento County and the Presidents of the Boards of Trustees of the respective

Reclamation Fund Commissioners.

swamp land districts shall constitute Boards to be known as the Reclamation Fund Commissioners of Swamp Land District Number Fifty and Swamp Land District Number Fifty-four of Sacramento County, and shall have the powers and discharge the duties hereinafter provided.

Report.

SEC. 2. It shall be the duty of the respective Boards of Trustees of each of said swamp land districts to report to the Board of Supervisors of Sacramento County of the estimated costs of further reclamation required in each of said districts.

Descriptive lists.

SEC. 3. It shall be the duty of the President of the Board of Supervisors of Sacramento County, on the approval of any estimates from the Board of Trustees of either district, to file a certified copy of the same in the office of the County Auditor of Sacramento County. The County Treasurer shall also file in the office of the County Auditor a list, naming the lots or tracts of land, number of acres, and amount paid on each tract as assessed for reclamation purposes, and by whom paid. On the receipt of the above named lists of assessments and estimates in the office of the Auditor, the Reclamation Fund Commissioners shall thereupon cause to be prepared bonds of the district to an amount not exceeding the aggregate amount heretofore paid for reclamation, and the estimated amount of further expense for reclamation, which said bonds shall be made payable by the respective swamp land districts for which they are issued, and the principal and interest shall be payable out of the special Funds hereinafter directed to be created.

Bonds.

Description of bonds.

SEC. 4. The bonds shall be issued in sums of not less than one hundred dollars each, be made payable ten years after date, bear interest at ten per cent per annum, payable semi-annually on the first days of January and July of each year, the principal and interest payable in gold coin of the United States, at the office of the County Treasurer of Sacramento County. The bonds shall be numbered and bear the same date, although issued at different times, and be signed and have the seal of the swamp land district attached to the same by the President of the Board of Trustees of the respective swamp land districts for which the said bonds are issued; and the said bonds shall be countersigned by the Treasurer and Auditor of Sacramento County before the same are binding on said swamp land district. Coupons for the interest shall be attached to each bond so that they may be removed without mutilation of said bonds, and they shall be signed by the President of the Board of Trustees.

Expenses.

SEC. 5. The expense of preparing the bonds and other necessary expenses, shall be paid by the swamp land district in the same manner as other indebtedness.

The funding of indebtedness.

SEC. 6. The Reclamation Fund Commissioners of the respective districts are hereby authorized and required to apply said bonds in and for the reclamation of said districts respectively by exchanging the same at par for certificates of assessments paid in such districts, and for outstanding orders which may hereafter be issued by the Board of Trustees and approved by the Board of Supervisors of Sacramento County, with legal interest thereon from the date of their registration at the County Treasurer's office. Interest shall be estimated on such orders, assessments, and bonds to the first of January or July next succeeding the

day on which the exchange is made; and the County Auditor shall, before the delivery of any such bonds, remove therefrom all coupons for interest accrued thereon prior to that date, and shall cancel the same as in case of paid coupons, only adding the word "Unpaid."

SEC. 7. No bonds shall be issued for the fractional part of Bonds uniform. one hundred dollars, but the County Auditor shall issue certificates for such fraction not funded, which shall be transferable by delivery, and be funded with legal interest from their date, when presented in sums of not less than one hundred dollars or its multiple.

SEC. 8. To entitle any claim to be exchanged for bonds, the applicant shall present to the Reclamation Fund Commissioners a certificate from the County Treasurer, stating the name of the person by whom and the number of the district in which the said assessment was paid, its amount, and the date of its payment. The bonds shall be issued to the legal holders of said certificates upon their being surrendered in exchange for said bonds, and when so surrendered they shall be canceled by having the word "Canceled" written across their face and signed by the County Auditor and Treasurer; *provided*, that when any assessment has been paid on land by a party who has since sold said land, such sale shall be held and deemed a legal transfer to the vendee of the assessments previously paid on said land; and said vendee shall be entitled to receive bonds in exchange for certificates of payments of such assessments; and *provided* Affidavit. further, that no bonds shall be issued to any party in lieu of the certificates of assessments paid until the party claiming the same shall have made an affidavit that he is the true owner of the indebtedness about to be exchanged; and any person who shall swear falsely in such affidavit shall be held and deemed guilty of perjury and punished for such offense.

SEC. 9. The County Auditor and Treasurer shall keep separate records of all bonds issued, showing the number, date, and amount thereof, the name of the person to whom, and the number of the district for which each bond was issued, describing the certificates or warrants so funded, and shall open and keep an account with each of said districts. Separate records of bonds.

SEC. 10. For the purpose of raising funds for the payment of the principal and interest of said bonds, the Board of Supervisors of Sacramento County shall appoint three competent persons resident in said county as Assessment Commissioners, and shall issue to each of them a certificate of his appointment as such. Assessment Commissioners.

SEC. 11. The Assessment Commissioners shall prepare a list, as provided in an Act approved March eighth, eighteen hundred and sixty-eight, to be entitled "Assessment List of Reclamation Swamp Land District Number ——" (designating its proper number), which shall contain the number of acres in each tract or lot, the names of the owners thereof, if known, or if not known, then stating them as unknown, the amount in United States gold coin to be charged on each of said tracts or lots, which amount shall be ascertained by apportioning the whole cost of the works of reclamation which each of said tracts or lots may receive as benefit from such works. The said list shall Assessment lists.

be made in duplicate and signed by the said Commissioners, and one copy shall be filed in the office of the Auditor of the county and the other in the office of the Board of Trustees.

Estimates
for annual
assess-
ments.

SEC. 12. The County Auditor, on the receipt of said list, shall immediately, on the first Monday of March in every year thereafter until the said bonds are all paid, estimate the rate of assessments which it will be necessary to levy on the aggregate amount charged on the tracts or lots described in said lists in order to raise the amount sufficient to pay the interest to become due in the ensuing year, and such part of the principal of said bonds as is hereinafter provided, and to enter thereon, opposite to each tract or lot therein described, the amount of assessment to be collected from the owner or claimant of each of said tracts or lots at the rate indicated.

Rate.

SEC. 13. The rate to be estimated by the Auditor shall be such as for the first five years from the date of the bonds shall be sufficient to raise the annual interest on the outstanding bonds (allowance being made for delinquencies and costs of collection), and the rate shall be such for the ensuing five years as shall be sufficient to raise the annual interest and the following percentage of the principal of the whole amount of bonds issued, to wit: for the sixth year, ten per cent; for the seventh year, fifteen per cent; for the eighth year, twenty per cent; for the ninth year, twenty-five per cent; for the tenth year, thirty per cent.

Assessment
liens.

SEC. 14. The County Auditor, after making the entries on the copy of the assessment list as hereinbefore provided, shall sign the same and file it in the office of the Treasurer of the county, who shall note on said list the day of filing, and the assessments shall thereupon be due and payable and become a lien on each and every tract and lot described in said list.

Published
notice.

SEC. 15. The County Treasurer shall thereupon give notice by publication in a newspaper published in the county that the assessment list of Reclamation District Number (designating its proper number) has been filed in his office and the date of filing; that the amounts entered thereon are due and payable, and if not paid on or before the first Monday of September ensuing the same will become delinquent and be returned to the District Attorney of the county for collection. He shall note on the list all assessments paid out; and if at such time all the assessments have not been paid, he shall return the list to the District Attorney of the county, who shall proceed to collect such delinquent assessments, with five per cent thereon, and pay over the same to the County Treasurer in the same manner as State and county taxes are collected and paid; *provided*, that in any suit to collect such assessment no informality in the proceedings of the Board, the Commissioners of Assessments, the County Auditor, or Treasurer, in relation to such assessments, shall be allowed as a valid defense.

Delin-
quents.

Interest
and
Sinking
Fund.

SEC. 16. The assessments so collected shall be placed to the credit of a Fund known as the Interest and Sinking Fund of Reclamation District Number — (designating its proper number), and it shall be applied to the payment of the principal and interest of the bonds of that district, as hereinbefore provided. In case of any surplus after such principal and interest

are paid in full, the same shall be paid out on the order of the Board of Trustees; also, on the sixth and succeeding years after date of said bonds, if proposals are not offered at par or less sufficient to exhaust the amount on hand applicable to redemption, the County Treasurer shall publish for thirty days a notice in a daily newspaper published in the City of Sacramento, and another in San Francisco, having general circulation in the State, that they will redeem bonds of the Reclamation District (designating its number), commencing with the highest numbers and giving the amounts, and that at the expiration of thirty days from the date of the notice if the said bonds are not presented for redemption the interest thereon will cease. From and after the time no interest shall be allowed on such bonds.

Redemption of bonds.

SEC. 17. Whenever any bond or coupon is paid the County Treasurer shall write the word "Canceled," and the date of its payment on its face, and sign his name thereto.

Cancellation.

SEC. 18. The County Treasurer shall be entitled to receive and retain one half of one per cent out of the moneys received by him for assessments paid under the provisions of this Act as his compensation, and there shall be no other fee or compensation whatever allowed or paid to any officer for any duty performed under the provisions of this Act.

Fees of County Treasurer.

SEC. 19. The provisions of this Act shall only apply to such land in said districts as to which the owners thereof shall, within thirty days after the passage hereof, file with the Reclamation Fund Commissioners their assent in writing that his, her, or their land (describing it) shall come under the provisions hereof, which said assent shall be acknowledged in form and before the proper officer, as required in conveyances of land, and recorded in the office of the Recorder of said County of Sacramento. The mortgagee, or grantees, in any deed of trust, shall not be deemed owners of the land within the meaning of this section; *provided*, that as to any and all lands in said districts, or in either of them, as to which no such assent shall have been given, made, and acknowledged, and filed within the time aforesaid, shall be liable for their share, and the owners thereof shall pay their proportion, acre for acre alike, of the amount of the estimates as made by the Board of Trustees and approved by the said Board of Supervisors of Sacramento County; and the same shall be due and payable to the County Treasurer of said county within thirty days after the date of said approval, and the payment thereof may be enforced in the mode prescribed by law for assessments in swamp land districts.

Application of Act.

Owners defined.

SEC. 20. This Act shall take effect and be in force from and after its passage.

CHAPTER DXCVIII.

An Act providing for the survey of the line forming a portion of the southern boundary of Siskiyou County and the northern boundary of Lassen County.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Surveyor
General
directed to
establish
bounda-
ries.

SECTION 1. The Surveyor General is hereby directed to survey and locate that portion of the southern boundary line of the County of Siskiyou, commencing at a point known as the Devil's Castle, near and on the opposite side from Soda Springs, on the Upper Sacramento River, and running from said point due east, to the eastern boundary of the State of California, and shall plainly designate said line by suitable monuments, and describe the same upon the maps of State, in accordance with the several Acts of the Legislature of the State of California, defining the northern boundary of the County of Lassen and that portion of the southern boundary of the County of Siskiyou above described.

Limitation
and
payment of
expenses.

SEC. 2. The necessary expenses of such survey and location of said line shall be paid by the State of California, out of the General Fund thereof, to the Surveyor General, upon his filing in the office of the State Controller his certificate that such survey is completed according to law, together with his claim, setting forth the items of expense of such survey; *provided*, that the total expense of such survey shall not exceed the sum of twenty-five hundred dollars, and the sum of twenty-five hundred dollars is hereby appropriated for the payment of the expenses of such survey.

Appropriation.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DXCIX.

An Act to amend section three thousand seven hundred and thirteen of the Political Code of the State of California.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three thousand seven hundred and thirteen of the Political Code of the State of California is hereby amended to read as follows:

Section 3713. The State Board of Equalization must, for State purposes, for the twenty-fourth and twenty-fifth fiscal

years, fix such an ad valorem rate of taxation upon each one hundred dollars value of taxable property of this State as will raise for each of said years:

The
Political
Code.

One—For the General Fund, one million one hundred and ninety thousand dollars.

Two—For the School Fund, two hundred and forty thousand dollars.

Three—For the Interest and Sinking Fund of eighteen hundred and fifty-seven, one hundred and forty thousand dollars.

Four—For the Interest and Sinking Fund of eighteen hundred and sixty, nine thousand dollars.

Five—For the State Capitol Fund, two hundred thousand dollars.

Six—For the Military Fund, sixty thousand dollars.

Seven—For the Soldiers' Bounty Interest and Sinking Fund, forty-three thousand dollars.

Eight—For the Soldiers' Relief Interest and Sinking Fund, twenty-five thousand dollars.

Nine—For the Pacific Railroad Fund, one hundred and five thousand dollars.

Ten—For the State Normal School Building Fund, seventy-five thousand dollars.

Eleven—For the State Capitol Bonds Interest and Sinking Fund, thirty-five thousand dollars.

SEC. 2. This Act and the section of the Political Code herein amended, shall be in force and effect from and after the passage of this Act.

CHAPTER DC.

An Act to provide additional grounds for the State Capitol Building in the City of Sacramento.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of State Capitol Commissioners are hereby authorized to take possession of the following described tract of land in the City of Sacramento, and State of California, to wit: Commencing at the northeast corner of lot number four, in the block between L and M and Eleventh and Twelfth streets, running thence east along the south line of L street to the northwest corner of lot number one in the block between L and M and Fourteenth and Fifteenth streets; thence south on the east line of Fourteenth street to the southwest corner of lot number eight in said last described block; thence east on the north line of M street to the southeast corner of lot number five in said last described block; thence south on the west line of Fifteenth street to the southeast corner of lot number five in the block between M and N and Fourteenth and Fifteenth streets; thence

State
Capitol
Commis-
sioners
authorized
to take
possession
of lands.

Also,
streets and
alleys.

Petition by
Attorney
General in
District
Court.

Order by
the Court.

Powers
and duties
of Commis-
sioners to
appraise
the
property.

Confirma-
tion of
finding.

west on the north line of N street to the southeast corner of lot number five in the block between M and N and Eleventh and Twelfth streets; thence north on the west line of Twelfth street to the place of beginning—said tract of land containing five blocks; also, the streets and alleys intersecting the same, and cause the same to be inclosed with the present grounds of the Capitol Building and those of the Governor's Mansion, and properly graded and planted with ornamental trees and shrubbery, upon first complying with the provisions of section two of this Act.

SEC. 2. Before taking possession of the land in this Act mentioned, said Commissioners, by petition signed by the Attorney General, describing with convenient certainty and accuracy, by map or otherwise, said ground so required for the use of the Capitol Building and Governor's Mansion, setting forth the name and residence of each owner or person interested therein in any manner whatever, or who shall claim any interest therein, present or future, so far as the same are known to the Attorney General or shall appear by record and in the Recorder's office in the County of Sacramento, shall apply to the Judge of the District Court in and for the County of Sacramento, either in term time or vacation, praying the appointment of Commissioners to ascertain the compensation to be made to the person or persons lawfully entitled to the same for the land therein described. The Judge shall thereupon make an order requiring all persons interested in the land described in said petition to appear before him, at a time and place to be mentioned in said order, for the hearing of said petition, which order shall be published for thirty days in two newspapers published in the City of Sacramento. At the time and place appointed for the hearing of said petition, if the said Commissioners and such interested parties as may appear do not agree upon at least two Commissioners (who in that event are authorized to appoint a third), then the said Judge shall, by an order entered in his minutes, appoint three competent disinterested persons Commissioners to ascertain such compensation as aforesaid. Said Judge shall, by an order in his minutes, specify a time and place for the meeting of the Commissioners. The said Commissioners, before entering upon the duties of their office, shall be sworn faithfully to perform the duties imposed upon them, and any one of them may issue subpoenas, and they shall have the same power to punish contempts as a Court or Judge; and they shall adjourn from day to day to enable the parties to procure testimony, but for no longer period than one day without the consent of both parties or their attorneys, unless otherwise ordered by said Judge for good cause shown. The said Commissioners having heard the allegations and proofs of the parties shall, by a majority vote, without favor or partiality, ascertain and certify the compensation proper to be made to the owner or owners or parties interested in said land, which said ascertainment and certificate shall be signed by the Commissioners finding the same, and by them immediately thereafter filed in the office of the Clerk of said District Court. Either party, by motion showing good cause therefor, may cause the proceedings of said Commissioners to be inquired into by said District Judge, and if the

same are regular and the proceedings appear to have been done in good faith, he shall by order confirm their finding and conclusion; otherwise he shall make such order as may be just and proper in reference to a retrial of the same or any part of said proceedings; but no more than two retrials shall in any event be had. Should no motion be made within twenty days after the finding of the Commissioners shall have been filed in the Clerk's office, or no notice of such motion be given by either party within ten days after such filing, then their finding shall stand as the true ascertainment of valuation; and whenever said valuation shall be finally fixed as aforesaid, then said Commissioners may, upon paying into said Court the amount so fixed, become possessed of all of said land; and they shall cause correct copies, under the seal of the Clerk of said Court, of the petition and other pleadings, if any, together with the finding and certificate of said Commissioners, and all orders of the said Judge made in said proceedings, and the minutes of said Court, upon the receipt of said moneys, to be filed in the office of the Secretary of State, and thereafter the State of California shall be the owner of said lands in fee simple; *provided*, the City of Sacramento, through her officers, is hereby authorized and required to vacate the streets and alleys running through said tract of land; and *provided* further, that said Commissioners may receive deeds of voluntary conveyance for any portion of said land that may be agreed upon between them and the proper owners thereof.

Retrials.

Payment
into Court.Title
vested.Voluntary
deeds.

SEC. 3. The sum of one hundred thousand dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, to be applied to the purchase or condemnation of the tracts of land herein described; and any money remaining in the Fund herein provided for after said purchase or condemnation, shall be applied to the planting, grading, and ornamenting of said grounds; and any further cost of grading, planting, and ornamenting of said grounds, expended under the direction of said State Capitol Commissioners, shall be paid for from the State Capitol Fund.

Appropriation.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER DCI.

An Act to amend an Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven, and the Act amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty, approved March fourteenth, eighteen hundred and seventy.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. Section one of the amendatory Act hereinbefore referred to, approved April twenty-eighth, eighteen hundred and sixty, is amended so as to read as follows:

Sheep on
possessory
claims.

Section 1. It shall not be lawful for any person or persons owning or having charge of any sheep within the Counties of Sonoma, Solano, Marin, San Mateo, Sutter, Santa Clara, San Bernardino, Los Angeles, Contra Costa, Alameda, San Joaquin, Placer, Colusa, Stanislaus, Calaveras, Yolo, Sacramento, Humboldt, Monterey, Merced, San Luis Obispo, Mariposa, Napa, Mendocino, and Shasta to herd the same or permit them to be herded on the land or possessory claim of other than the land or possessory claims of the owners of such sheep.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Section 2. Section five of the original Act recited in the title of this Act is amended so as to read as follows:

Unoccu-
pied
public
lands.

Section 5. Nothing in this Act shall be so construed as to prohibit or prevent the herding of sheep upon any unoccupied public lands of this State or of the United States within said counties; *provided*, that in the Counties of Mendocino, Calaveras, Yuba, Merced, and Shasta it shall not be lawful for any person or persons owning or having charge of any sheep to herd the same on any unoccupied lands of this State or of the United States, where such herding may cause injury or inconvenience to actual settlers residing contiguous to such lands, who have horses or cattle ranging on such unoccupied lands; and for a violation of this provision the penalties of section two of the original Act to which this is amendatory shall apply.

SEC. 3. This Act shall take effect immediately.

CHAPTER DCII.

An Act to better define the boundary line of Mariposa and Fresno Counties.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The line at present known as the boundary line between Mariposa and Fresno Counties, from the westerly point of junction of said counties running easterly to the southwest corner of section eleven, and the northwest corner of section fourteen, in township six south, range twenty east, of Mount Diablo meridian; thence east to the northwest corner of section fourteen, in township six south, range twenty-one east; thence north to the northwest corner of section thirty-five, in township five south, range twenty-one east; thence east to the southwest corner of section thirty, in township five south, range twenty-two east; thence north to the southwest corner of the Mariposa Big Tree Grant; thence east along the line of said grant to the southeast corner of said grant; thence north along the line of said grant to the northeast corner of the same; thence north to the original boundary line between the Counties of Mariposa and Fresno; thence along said line to the present boundary line, is hereby declared and constituted the boundary line between said counties. Description
of
boundary
line.

SEC. 2. The respective County Surveyors of Mariposa and Fresno Counties, shall proceed to survey and complete said defining line, with the necessary monuments, prior to the first day of September, eighteen hundred and seventy-two. Reasonable compensation (not to exceed one hundred and fifty dollars each,) may be allowed by the Supervisors of Mariposa and Fresno Counties, to be paid out of the County General Funds of said counties; and in case of a disagreement they shall be empowered to call in a third surveyor as umpire, whose decision shall be final, but whose services shall in no case be an additional charge. Survey
must be
made.

SEC. 3. The Act entitled "An Act to better define the boundary line between Fresno and Mariposa Counties," approved March twenty-ninth, eighteen hundred and seventy, is hereby repealed. Repealed.

SEC. 4. This Act shall take effect immediately.

CHAPTER DCIII.

An Act making appropriations for deficiencies in the appropriation made for the twenty-second and twenty-third fiscal years..

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation
for
deficiencies

SECTION 1. The following moneys are appropriated out of any moneys in the State Treasury not otherwise appropriated for the objects herein named: For deficiency in salary of Executive Clerk in the Governor's office, for the months of May and June, eighteen hundred and seventy-two, one hundred dollars; for deficiency in pay of porter in Governor's office, fifty dollars; for deficiency in salaries of clerks in office of Secretary of State, for the months of May and June, eighteen hundred and seventy-two, twelve hundred dollars; for deficiency in salary of clerk in State Treasurer's office, one hundred dollars; for deficiency in salary of clerk in Surveyor General's office, one hundred dollars; for deficiency in clerks' salary in Controller's office, four hundred dollars; for deficiency in salary of clerks in office of Superintendent of Public Instruction, two hundred and fifty dollars; for deficiency in salary of State Librarian, eighty-three dollars and thirty-three cents; for deficiencies in salaries of Commissioners for the Revision of the Laws, four thousand five hundred dollars; for deficiency in salary of Secretary of Commission for the Revision of the Laws, six hundred dollars; for deficiency in salary of Clerk of Commissioners for the Revision of the Laws, nine hundred and fifty dollars; for deficiencies in salary of Printing Export to Board of Examiners, six hundred dollars; for deficiency in pay of porter, and for postage and contingent expenses in office of State Board of Equalization, four hundred dollars.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DCIV.

Proposed amendment to the Constitution of the State of California.

The Senate and Assembly of the State of California, at the nineteenth session of the Legislature thereof, commencing on the fourth of December, eighteen hundred and seventy-one, do propose the following amendment to the Constitution of the State:

Section twenty-one of Article XI of the Constitution is hereby amended so as to read as follows:

Section 21. All laws, decrees, regulations, and provisions, which from their nature require publication, shall be published in such manner as the Legislature may direct. Proposed
amend-
ment.

CHAPTER DCV.

An Act to provide for the payment of legal services rendered the State by Samuel Cross.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Board of Examiners are hereby directed to examine the accounts of Samuel Cross, special attorney, authorized by the Surveyor General of the State to conduct, on behalf of the State, investigations before, and to present testimony to, the United States Surveyor General, for the purpose of proving the swampy character of certain lands sold by the State, or claimed as swamp or overflowed lands, in the Counties of Colusa, Yolo, Sutter, and Sacramento, and shall approve such amounts as they may deem just and equitable for all the lands which were at such investigations and by such testimony decided to be swamp or overflowed lands, and which decisions were sustained by the department at Washington; *provided*, the sums allowed under this bill shall not exceed in the aggregate two thousand dollars. State
Board of
Examiners.

SEC. 2. The accounts aforesaid shall be made separately for the lands embraced in each county named in section one of this Act, and which were included in such investigations; and when approved by said Board of Examiners, each of the respective County Auditors shall draw a warrant upon the County Treasurer for the amount so approved for his county in favor of said Samuel Cross, payable out of the General Swamp Land Fund of the county; or if there be no General Fund, out of the District Fund of the district in which the land is located, and the County Treasurer shall pay the same. Accounts.

Payments.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DCVI.

An Act to amend an Act entitled "An Act to regulate fees and salaries of officers and defining their duties in the County of El Dorado, and other matters relating thereto, approved March five, eighteen hundred and seventy.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Assessor.

Section 3. Assessments shall be made by a County Assessor, who shall qualify and give bonds as hereinafter provided, and shall receive in full compensation for services of himself and deputies the sum of fifteen hundred dollars, payable out of the Salary Fund of the county; *provided*, that the Board of Supervisors shall retain and withhold from the said Assessor the sum of three hundred dollars of said amount, until the Assessor shall file with the Clerk of the Board a statement that he has fully complied with all laws relating to his office, made out all lists, statistical tables, and other papers required to be by him made out, and that the same have been filed with the proper officers, which statement shall be verified by his oath. The Assessor shall be ex officio Collector of poll tax and State and county business licenses. For the collection of poll taxes, fifteen percentum on the total amount collected; for every business license sold he shall demand and be entitled to receive as a fee the sum of one dollar; the fees and percentage herein allowed shall be retained by the Assessor for his own use and benefit.

Collector.

Applica-
tion of Act

SEC. 2. This Act shall only apply to the present Assessor, and shall not affect the provisions of an Act approved March twenty-seventh, eighteen hundred and seventy-two, in relation to the salary of county officers of El Dorado County.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER DCVII.

An Act to amend an Act entitled "An Act to amend an Act concerning roads and highways in the County of Alameda," approved March twenty-fourth, eighteen hundred and sixty-two, approved March twenty-third, eighteen hundred and seventy-two.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is amended so as to read as follows:

[Section 1.] Section twenty-four of said amendatory Act is hereby amended so as to read as follows:

Section 24. It shall be the duty of the Road Commissioners to have the general supervision of road tools and implements, and the repairing of roads and bridges in their respective districts; to hire labor, tools, and teams when required at lowest current rates, and to cause all roads and bridges to be repaired and kept clear of obstruction; *provided*, however, that said Road Commissioners may expend, and the Board of Supervisors may audit and allow for such expenditure, prior to any levy of taxes in addition to the money already levied or collected for the current year for road purposes, such further sum as shall not exceed the amount collected during the preceding year for road purposes in his district, and the sums so allowed shall be audited, and the warrants registered and paid as other county warrants. Said Commissioners shall have power to make use of any material for building or improving the roads which may be necessary from any adjacent unimproved land, and to dig ditches on any land when necessary to drain roads; and the Board of Supervisors may allow such damage, if there be any, to the owner or owners of said lands as may be just.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DCVIII.

An Act to amend "An Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty," approved April nineteen, eighteen hundred and fifty-six.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended so as to read as follows:

Arson in
the second
degree.

Section 5. Every person who shall willfully and maliciously burn or cause to be burned any dwelling house, the property of another, in the daytime, or in the night or daytime willfully burn or cause to be burned any kitchen, office, shop, barn, stable, storehouse, warehouse, railroad car, or other building, or stacks or stocks of grain, or standing crops, or shall willfully and maliciously burn or cause to be burned any lumber, timber, cordwood, railroad ties, telegraph poles, or shakes, of the value of twenty-five dollars or over, the property of any other person or corporation, or any church, meeting house, school-house, State House, Court House, or other public building, or any ship, vessel, boat, or other water craft, or any bridge of the value of fifty dollars or more erected across any of the waters of this State, or any snowshed of the value of fifty dollars or more erected over any railroad in this State, such persons so offending shall be deemed guilty of arson in the second degree, and upon conviction thereof shall be punished by imprisonment in the State Prison for a term not less than one year nor more than ten years; and should the life or lives of any person or persons be lost in consequence of such burning as aforesaid, such offender shall be deemed guilty of murder, and shall be indicted and punished accordingly.

Penalty.

Murder.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DCIX.

An Act providing for the refunding of the bonded indebtedness of the County of Santa Clara.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Issuance of
bonds.

Description

Interest.

SECTION 1. The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered to issue, on behalf of said county, bonds not exceeding in the aggregate the sum of two hundred thousand dollars, for the purposes named in this Act. Such bonds shall bear interest at the rate of eight per cent per annum, shall be of the denomination of five hundred dollars each, shall have coupons for interest attached, and shall be made payable on or before the first day of January, A. D. eighteen hundred and eighty-five, at the office of the Treasurer of said county. The interest on said bonds shall be paid by said Treasurer, semi-annually, at his said office, on the first day of July and on the first day of January of each year, on presentation of the coupons attached to said bonds therefor. Every bond so issued shall be signed by the President of the Board of Supervisors and by the County Clerk of said county, and shall be authenticated by the seal of the County Court of said county. Each of said bonds shall substantially state and purport that

said County of Santa Clara owes to the holder of such bond the sum of five hundred dollars, in gold coin, payable and bearing the interest as aforesaid; and the principal and interest of said bonds shall be payable in gold coin of the United States.

SEC. 2. There shall be attached to said bonds coupons for ^{Coupons.} interest, which shall be signed by the President of the Board of Supervisors and by the County Clerk of said county; and when any interest shall be paid on any of the bonds issued by authority of this Act, the coupons due and paid shall be delivered to the County Treasurer of said county, who shall write the word "Canceled" across the face thereof, and deliver the same to the County Auditor of said county, taking his receipt therefor. The said Auditor shall then mark "Paid" on the duplicate register of bonds in his office, the coupons so delivered to him by said Treasurer; and when any of said bonds shall be redeemed by said Treasurer they shall be delivered to said Auditor, who shall receipt to the Treasurer for the same, and the same shall be marked "Paid" upon the copies of said register in the office of said Auditor and Treasurer, with a memorandum of the amount paid for the redemption thereof; and when any bonds or coupons shall be paid or redeemed, the said Auditor shall report the same to said Board of Supervisors at their next meeting thereafter.

SEC. 3. The County Clerk of the County of Santa Clara shall keep a register, showing the date and number of every bond issued, the number of each coupon, when each bond and coupon is payable, the name of the person to whom said bond is issued, and when such bonds are sold, the amount realized from the sale thereof. It shall be the duty of said County Clerk to make and certify two copies of said register, one of which shall be delivered to the Auditor and one to the Treasurer of said county, and the same shall be kept by them in their respective offices for public inspection. ^{Register of bonds.}

SEC. 4. The bonds, or any part thereof, hereby authorized to be issued, shall be sold under the direction of the Board of Supervisors of said Santa Clara County to the person or persons who will pay the highest price therefor; *provided*, that the said bonds, nor any part thereof, shall not be sold for less than par value. The said Board of Supervisors shall give public notice of the sale of such bonds by advertisement of not less than twenty days, in which notice shall be stated the time and place of sale. The proposals to purchase shall be sealed, and shall be opened at the time and place named in said notice, by the President of said Board of Supervisors. The purchasers whose bids shall be accepted shall pay into the County Treasury of said county the amount bid by them at such time as said Board of Supervisors shall designate, and said Treasurer shall receipt for the same; and such purchaser shall, upon the delivery of such receipts to the County Clerk, be entitled to receive the bonds purchased by them. The bonds so issued shall bear interest from the date of the payment of the purchase money therefor. The said receipts shall be copied into the registers required to be kept by the last preceding section. ^{Sale of bonds.}

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|--|---|
| Redemption of outstanding bonds. | <p>SEC. 5. The Board of Supervisors of the County of Santa Clara are hereby authorized and required to use and appropriate the money realized from the sale of the bonds issued by authority of this Act to redeem, pay, and discharge all bonds heretofore issued by or on behalf of said county, and now unpaid, bearing more than eight per cent interest per annum, and payable in gold coin of the United States; and the said money realized from the sale of bonds issued by authority of this Act, nor any part thereof, shall not be used for any other purpose. Any</p> |
| Exchange. | <p>person now holding any bonds of said county bearing more than eight per cent interest per annum, and payable in gold coin of the United States, shall have the right, with the consent of said Board of Supervisors, to surrender such bonds and receive in exchange therefor bonds issued by authority of this Act, at par value. This section shall not be construed to</p> |
| Prohibition. | <p>authorize said Board of Supervisors to pay any premium on any outstanding bonds of said county.</p> |
| Annual tax for redemption. | <p>SEC. 6. The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered to levy annually, at the time and in the manner prescribed for levying general State and county taxes, a tax not exceeding one hundred cents on each one hundred dollars of the assessed valuation of the property in said county. The money arising from such tax shall be set apart by the Treasurer of said county for the purposes of paying the principal and interest of the bonds issued by authority of this Act. The said Fund shall be known as the "Redemption Bond Fund of Santa Clara County," and the said Treasurer shall pay therefrom the interest on said bonds as the same becomes due. Any balance remaining in said Fund upon the first day of January of each and every year hereafter shall be used by said Treasurer for the redemption of said bonds. No less than ten thousand nor more than twenty thousand</p> |
| Annual redemption dollars of said bonds shall be redeemed per annum. | |
| Published notice. | <p>SEC. 7. The said County Treasurer, whenever there shall be any money in said Fund for the redemption of such bonds, shall give notice by advertisement in some newspaper printed and published in said County of Santa Clara, for at least two weeks, that he will redeem the said bonds. The said notice shall state the amount of bonds to be redeemed and the time and place for receiving bids for the redemption thereof. All bids received for the redemption of such bonds shall be opened at the time and place mentioned in said notice, in the presence of the President of the Board of Supervisors of said county, who, in conjunction with said Treasurer, is hereby authorized to accept and award such bids. Said Treasurer and President of the Board of Supervisors shall accept only such bids as shall cancel the greatest amount of said bonds. No bonds shall be redeemed at greater rate than one hundred cents on the dollar. In the event that no offer shall be made to redeem said bonds between the date of the first publication of said notice and the time appointed for opening proposals therefor, it shall be the duty of said Treasurer to give notice by advertisement, in some newspaper printed in said county, that he is prepared to redeem certain of said bonds, which shall be designated in said notice by number and date of the issuance thereof, which said notice shall</p> |
| Bids. | |
| Maximum price. | |

be published not less than ten days. The interest on such bonds so advertised shall cease from and after the expiration of ten days from the first publication of said notice. All bonds paid by said Treasurer shall be marked "Canceled," and shall be surrendered to the Board of Supervisors of said county. When interest ceases.

SEC. 8. The County Clerk of said county, and the President of the Board of Supervisors thereof, shall receive such compensation for the services required of them by this Act as the Board of Supervisors of said county shall allow; and no other compensation shall be allowed or paid to any other officer named in this Act for the services herein required; *provided*, however, that said Board of Supervisors may allow to the County Treasurer a compensation for the services required of him by this Act not exceeding in amount one half of one per cent upon the amount realized by the sale of said bonds. Compensation of officers.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAPTER DCX.

An Act to provide for the payment of the State's portion of the salary of the County Auditor and Assessor of Mariposa County.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of four thousand two hundred and thirty-three dollars and sixty-eight cents is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to pay the State's portion of the salary of the Auditor of Mariposa County from the year eighteen hundred and fifty-five to eighteen hundred and sixty-seven, and the State's portion of the salary of the Assessor of Mariposa County for the years eighteen hundred and fifty-five to eighteen hundred and fifty-seven; and the Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the Treasurer of Mariposa County for the sum herein appropriated, and the State Treasurer is hereby required to pay the same. Appropriation.

SEC. 2. The amount hereby appropriated shall be paid by the County Treasurer into the General Fund of said county, for the use and benefit of said Mariposa County.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DCXI.

An Act to appropriate money for per diem of officers and clerks of the Assembly at the nineteenth session of the Legislature.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the General Fund in the State Treasury not otherwise appropriated, for per diem of officers and clerks of the Assembly at the nineteenth session of the Legislature.

SEC. 2. This Act shall take effect immediately.

CHAPTER DCXII.

An Act to provide for the payment of certain road indebtedness of Tuolumne County.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority given to allow certain specified claims.

SECTION 1. The Board of Supervisors of Tuolumne County are hereby authorized to audit and allow the claim of John K. Fahey for one hundred and fifty-two dollars and fifty cents; the claim of Patrick Finnegan for fifty-two dollars and twenty-five cents; the claim of Patrick McNamara, for forty-three dollars and twenty-five cents; and the claim of James Kelly, for one hundred and forty-two dollars and fifty cents; the said several claims being for labor done on the public roads in said county in the year A. D. eighteen hundred and sixty-seven; and said claims, properly verified, shall be valid and binding in law, notwithstanding said parties failed to present them, properly verified, to the Board of Supervisors of said county within the time provided in an Act of the Legislature, approved March twelve, eighteen hundred and seventy, entitled an Act in relation to road indebtedness of Tuolumne County, incurred in the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven; and said claims, when audited and allowed, shall be paid out of the District Road Fund of the district in which said labor was performed.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DCXIII.

An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco, State of California, are hereby authorized and empowered to appropriate a sum, not to exceed two thousand dollars, to establish the grades of streets in that portion of the Eleventh District which lies south of Islais Creek, east of the San Bruno Turnpike Road, north of Twentieth Avenue, and west of that portion of South San Francisco where the grades have already been established under existing laws.

Appropriation authorized.

SEC. 2. This Act shall take effect immediately.

CHAPTER DCXIV.

An Act to provide for the repair and improvement of roads and highways in the City and County of San Francisco.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to repair and improve the public roads within the said city and county, outside the charter line of eighteen hundred and fifty-one.

Authority given.

SEC. 2. It shall be the duty of the Superintendent of Public Streets and Highways to carefully examine all the public roads in said city and county, and report the condition of the same, from time to time, to the Board of Supervisors; *provided*, that from the month of November to May of each year, such report shall be made on the first Monday of each month; and said report shall specify the kind of repairs and the portion or portions of the road or roads in which they are required, together with an estimate of the cost.

Reports.

SEC. 3. Upon presentation to the Board of Supervisors of the report and estimate of the said Superintendent of Public Streets and Highways, as herein provided, the said Board of Supervisors shall direct the Clerk of said Board to advertise, inviting sealed proposals for doing the work required, and shall award the contract for doing said work to the lowest responsible bidder, the proceedings in relation hereto to be the same as

Sealed proposals for contracts.

is provided by law for the letting of contracts for the improvement of streets and highways in said city and county; *provided*, that the amount of all appropriations authorized by this Act shall not exceed ten thousand dollars for any one fiscal year.

Limitation.

Public roads and highways defined.

SEC. 4. For the purpose of this Act, public roads and highways shall include all roads that have been open to the public, and used as public highways long enough to evince their utility and necessity, but shall not include any road or highway when, in the judgment of the Board of Supervisors, the same should be kept in order by the owners of the property fronting on said road or highway.

Repairs and improvements.

SEC. 5. Whenever any improvement or repairs require to be made to any public road or highway, for which, in the judgment of the Board of Supervisors, the owners of the property fronting thereon should be assessed to defray the cost of the same, then and in that case the Board of Supervisors shall acquire jurisdiction, and shall have power to proceed in the same manner as is now provided by law for the improvement of streets within said city and county; and all provisions of law in relation to the improvement of streets within said city and county, and for the making and collection of the assessment for the cost of the work performed, shall apply to the collection of the sums of money so assessed as aforesaid.

Law made applicable.

Purchase of materials.

SEC. 6. The Superintendent of Public Streets and Highways is hereby authorized and it is made his duty to superintend all repairs made on public roads and highways, and, when authorized by the Board of Supervisors, to purchase all necessary timber, plank, or other material for the construction and repair of bridges, and to hire at just and reasonable rates all necessary labor, tools, or implements for grading or otherwise improving such roads and highways.

Repealed.

SEC. 7. An Act entitled "An Act to create certain road districts in the City and County of San Francisco and to provide for the repair and improvement of roads therein," approved May twentieth, eighteen hundred and sixty-one, and all Acts or parts of Acts conflicting with any of the provisions of this Act, or authorizing any expenditure upon public roads or highways within the City and County of San Francisco, other than is provided in this Act, are hereby repealed.

SEC. 8. This Act shall take effect from and after its passage.

CHAPTER DCXV.

An Act to more clearly define the boundary line between the Counties of Lake and Yolo, in the State of California.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The line established by H. H. Sanford, as Deputy Surveyor General, under special instruction of J. W. Bost, Surveyor General of California, at the request of the Boards of Supervisors of the Counties of Lake and Yolo, and designated on a certain map on file in the office of the Surveyor General of the State of California, indorsed "Map of the boundary line between Lake and Yolo Counties, surveyed April, eighteen hundred and seventy-one, by H. H. Sanford, Deputy Surveyor General of California," is hereby declared the boundary line between the said Counties of Lake and Yolo, provided the same is in accordance with the provisions of an Act to more clearly define and establish the boundary line of Yolo County, approved March third, eighteen hundred and sixty-six.

Boundary
line
described
and
declared.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DCXVI.

An Act to appropriate funds for the relief of the several Orphan Asylums of this State.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be appropriated out of the General Fund of the State of California, for the support and maintenance of the orphan inmates of the several Orphan Asylums or institutions in this State in which orphans are received and provided for, a sum at the rate of fifty dollars per annum for each orphan thereof, to be paid quarter yearly in installments; provided, that such asylums as are established upon a self-sustaining basis, where the inmates are required to pay for admission, support, and maintenance therein, shall not be entitled to the benefit of this Act, but only such as are supported and sustained wholly or in part by charitable donations.

Appropriation.

SEC. 2. It shall be the duty of the Directors, Superintendents, or Managers of every asylum entitled to the benefit of this Act, to keep a book, in which they shall keep a true and correct statement of the names, ages, and sex, the number of

Register to
be kept.

Book of
accounts.

whole orphans and half orphans, the date of their admission therein, and the date of their leaving; they shall also keep a full, true, and correct account of the amount of any and all money received from any source for the support of any orphan or half orphan, with the names of the orphan or half orphan for whose support such sums are paid, which book shall always be open to the inspection of the Asylum Commissioners, or any person appointed by them to inspect the same.

Asylum
Commissioners.

SEC. 3. The Governor, Attorney General, and Secretary of State shall be and are hereby constituted the Board of Asylum Commissioners, with visitorial powers, who shall, either by themselves or a clerk appointed by them for the purpose, visit each asylum quarter annually, if they deem it necessary, and examine the books of the several asylums kept as herein provided to be kept; and if the examination be made by such clerk, he shall report the result of such examination to said Commissioners.

Examina-
tions.

Sworn
statements.

SEC. 4. It shall be the duty of said Board of Commissioners, or their clerk, appointed as herein provided, upon inspecting the books of said asylums, to administer an oath to the Managers or Superintendents thereof, to the effect that the statements therein contained are full, true, and correct; and they shall apportion and allow to each of said asylums a sum to be apportioned at the rate of fifty dollars per annum for each and every orphan kept and supported therein; *provided*, that two half orphans shall only be counted as one orphan in making such apportionment; and *provided* further, that no orphan over the age of fourteen years shall be counted in making such apportionment; and *provided* further, that if any asylum shall receive from any source the sum of ten dollars per month for the support of any orphan or half orphan, such orphan or half orphan shall not be counted in making such apportionment.

Manner of
computa-
tion.

SEC. 5. The money herein appropriated shall be paid upon the order of the Governor.

SEC. 6. This Act shall take effect from its passage.

CHAPTER DCXVII.

An Act concerning the office of Sheriff of the City and County of San Francisco.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Additional
deputies.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to allow the Sheriff of said city and county to appoint two additional deputies to act as Jail Keepers, who shall, before entering upon their duties, give the same bonds required of other Jail Keepers, and shall,

as such officers, be subject to the same duties and penalties as other Jail Keepers, as provided by law, and who shall each receive a salary not exceeding one hundred and twenty-five dollars per month, payable as the salaries of other Deputy Sheriffs are paid.

Sec. 2. This Act shall take effect immediately.

CHAPTER DCXVIII.

An Act concerning certain duplicate bonds of the funded debt of eighteen hundred and fifty-seven.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whereas, it appears from coupons presented, that there are duplicate bonds of the issue of the funded debt of eighteen hundred and fifty-seven in circulation, of which there is no record in the office of the Controller and Treasurer of State, and for the payment whereof there is no provision made; the Board of Examiners, consisting of the Governor, Secretary of State, and Attorney General, together with the Controller and Treasurer of State, are hereby constituted a Board to determine if said bonds and coupons are genuine, and if so decided, then the Controller shall draw his warrant and the Treasurer shall pay out of the Sinking and Interest Fund of eighteen hundred and fifty-seven said bond or bonds and coupons as they become due and when presented. Examination and conditional payment.

Sec. 2. It shall be the duty of said Board to take such steps Recovery. as may be necessary, that the State may recover the amount so paid from the party or parties who issued these bonds and coupons without authority and interest of the State.

CHAPTER DCXIX.

An Act supplementary to an Act entitled an Act supplementary to an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight; approved February fifteenth, eighteen hundred and sixty-four.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Extended
to
Municipal
Criminal
Court.

SECTION 1. The duties, powers, and jurisdiction which, by the provisions of an Act entitled an Act supplementary to an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, A. D. eighteen hundred and fifty-eight, approved February fifteenth, eighteen hundred and sixty-four, are conferred upon and vested in the County Court of the City and County of San Francisco, are hereby also conferred upon and vested in the Municipal Criminal Court of the City and County of San Francisco; but this Act shall not be construed to divest the County Court of such duties, powers, and jurisdiction.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DCXX.

An Act to provide for the payment of outstanding Controller's warrants drawn against the Swamp Land Fund of Swamp Land District Number Seventeen, San Joaquin County.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

State
Treasurer.

SECTION 1. It is hereby made the duty of the Treasurer of the State to inform the Board of Supervisors of San Joaquin County of the amount of outstanding and unpaid Controller's warrants drawn against the Swamp Land Fund of Swamp Land District Number Seventeen, San Joaquin County, within thirty days after the passage of this Act.

SEC. 2. The Board of Supervisors of San Joaquin County, upon receiving such information, or as soon thereafter as they shall be in regular session, shall, by a general order to that effect made by them and entered in the minutes of their proceedings, levy upon the lands in said Swamp Land District Number Seventeen already reclaimed or benefited by any process of reclamation therein, a tax not exceeding fifteen hundred

dollars, but sufficient in amount to pay the Controller's warrants so drawn outstanding and unpaid against the Fund of said district, and such reasonable compensation, to be fixed by said Board [for] Commissioners for assessing such tax, and shall thereup[on] appoint three Commissioners, who shall jointly view and assess upon each and every acre of said land in said district so reclaimed or benefited as aforesaid such portion of said tax as shall be equitably proportionate to the whole amount of tax so levied by said Board and to the benefits which have resulted to said lands from such process of reclamation, which said tax so levied and assessed shall be collected and paid into the County Treasury of said county in the manner hereinafter provided, and shall, when so collected and paid, be placed by the Treasurer of said county to the credit of the Fund of said district, and shall be paid out by him, first, to the payment of said Commissioners for their services as such, upon an order of the said Board therefor, and in payment of said Controller's warrants upon their presentation and surrender to him, which said warrants which so surrendered and paid shall be by said County Treasurer canceled and transmitted to the Treasurer of the State, who shall thereupon cause the proper entries of their payment to be made in the proper records of his office.

SEC. 3. The Commissioners so appointed by the Board of Supervisors as hereinbefore provided shall make a list of the lands so assessed by them and of the amount assessed thereon and of the owners thereof, so far as can be reasonably ascertained, and of the unsold lands, if any, in said district, and of the amounts assessed thereon, as near as practicable, in the manner provided by law for the making of assessment books by County Assessors, and shall sign and certify such list and file the same with the County Treasurer, where it shall remain for the period of ninety days, during which time any person against whose lands said tax shall have been levied and assessed can pay the amount assessed against it without cost; and upon payment thereof the County Treasurer shall mark in the margin of said list, off against said assessment, the word "Paid;" but if at the end of said ninety days any tax so assessed upon said land shall remain unpaid, the said Treasurer shall certify the same upon said list as unpaid and delinquent, and shall thereup[on] place said list, which shall have the same force and effect in all respects as are given by the Code of the State relative to the revenue thereof to assessment books, duplicate assessment books, and delinquent tax lists, in the hands of the Tax Collector of the said county, who shall proceed at once to collect the said taxes so certified as delinquent in the same manner as is now provided by law for the collection of delinquent State and county taxes; and for the purposes of such collection the laws of this State providing for the collection of delinquent State and county taxes are hereby made applicable to the collection of any and all taxes which shall be levied and assessed, and shall be delinquent under this Act by reason of a failure to pay the same as hereinbefore provided.

SEC. 4. The tax herein provided to be levied, assessed, and Tax. collected shall be levied, assessed, and collected in gold coin of the United States, and shall have the same force and effect in

all respects as State and county taxes levied and assessed under the provisions of the Code of the State relative to the revenue thereof.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAPTER DCXXI.

An Act to amend an Act entitled "An Act to authorize the Board of Supervisors of the several counties of this State to grant the right to construct wharves on the overflowed and submerged lands of this State," approved April eighth, eighteen hundred and fifty-eight.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of said Act is hereby amended to read as follows:

Wharves,
chutes, and
piers.

Section 1. Citizens of this State are hereby authorized to build wharves, chutes, and piers, on the overflowed, submerged, or tide lands of this State, by complying with the provisions of this Act. Any wharf, chute, or pier, built by authority of this Act, shall not be more than seventy-five feet in width, and may extend any distance that will not interfere with the free navigation of any bay, creek, slough, inlet, or river on which the same may be situated; *provided*, that any wharf or pier built by authority of this Act on any inland bay, creek, slough, or river, may be of any width, not to exceed six hundred feet.

SEC. 2. The tenth section of said Act is hereby amended to read as follows:

Right of
way.

Section 10. Any person or corporation, or their assigns, having, or hereafter procuring from the Board of Supervisors of any county of this State, a franchise for building a wharf, chute, or pier, under the provisions of said Act, approved April eighth, eighteen hundred and fifty-eight, and of the Act approved March thirty-first, eighteen hundred and seventy, to which this is amendatory, shall have the right to purchase, or take possession of, and use and hold such lands adjoining such wharf, chute, or pier, built, or proposed to be built, under such franchise, as may be necessary to carry on the business of such wharf, chute, or pier; and also to connect such wharf, chute, or pier with the most convenient public highway, upon making compensation therefor to the owner or owners thereof. The mode of proceeding to obtain possession of such land for the use of such person or corporation, or their assigns, in cases where the parties cannot agree upon the value of said lands, shall be the same as prescribed in sections twenty-three to thirty-nine, inclusive, of an Act entitled "An Act to provide for the incorporation of railroad companies, and the management of the affairs thereof and other matters relating thereto," approved

Con-
demnation
of lands.

May twentieth, eighteen hundred and sixty-one, and all Acts supplementary thereto and amendatory thereof. No grant made under the authority of this Act shall vest in the granteo, or his assigns, any authority whatever, unless the wharf, chute, or pier designed to be built shall be completed within two years from the date of the grant.

SEC. 3. This Act shall not apply to the City and County of San Francisco, or the City of Oakland, or County of Alameda.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER DCXXII.

An Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to transfer certain funds and property to said city.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Commissioners of the Funded Debt of the City of San Francisco, appointed under the Act entitled an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same, passed May first, A. D. eighteen hundred and fifty-one, are hereby authorized to transfer to the City and County of San Francisco the funds in their possession retained to secure the payment of the outstanding bonds and coupons issued under said Act, and the receipt of the Mayor and Treasurer of said city and county for said funds shall be a full acquittance and discharge to said Commissioners from all further duties and liabilities as such Commissioners, and the bonds executed by them shall be thereupon canceled and surrendered to said Commissioners.

Transfer of
funds
authorized.

SEC. 2. The Treasurer of said city and county is hereby required, after the payment of said funds into the City and County Treasury, to place them to the account of the General Fund; and in case of the presentation of any of the outstanding bonds or coupons issued under the provisions of said Act, said Treasurer is authorized and directed to pay the same out of any moneys in the General Fund, after such bonds or coupons have been examined by the Auditor of said city and county, and certified by said Auditor to be genuine and unpaid.

Acquit-
tance.

Treasurer.

SEC. 3. This Act shall take effect immediately.

CHAPTER DCXXIII.

An Act to fix the time for holding elections for members of Congress and to repeal certain Acts.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time of
election.

SECTION 1. At the election for choosing Electors for President and Vice President of the United States, to be held in the year eighteen hundred and seventy-two, there shall be elected for each Congressional District in the State, one Representative to the Congress of the United States.

Repealed.

SEC. 2. An Act entitled an Act fixing the times at which Representatives in Congress shall be elected, approved April fifteenth, eighteen hundred and fifty-eight; also, section five of an Act entitled an Act to divide the State into Congressional Districts, and to fix the time to elect Representatives to Congress, approved April first, eighteen hundred and sixty-four; also, an Act entitled an Act to fix the time for electing Representatives to Congress, approved March eleventh, eighteen hundred and sixty-eight; also, an Act entitled an Act to fix the time for holding election for members of Congress of the State of California, approved April fourth, eighteen hundred and seventy; and all Acts and parts of Acts conflicting with this Act, are hereby repealed.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER DCXXIV.

An Act supplementary to an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Act made
applicable.

SECTION 1. The provisions of the above Act, contained in sections one, two, three, four, nine, thirteen, so much of section fourteen as applies to Tuolumne County, sixteen, so much of section seventeen as applies to Tuolumne County, so much of section eighteen as applies to Amador County, so much of section twenty as applies to San Diego County, twenty-one and twenty-two, so much of twenty-seven as applies to Amador County, and so much of section thirty as applies to Humboldt County, are hereby extended and applied to Calaveras County.

SEC. 2. All the officers mentioned in the sections of the Act to which this is supplementary, enumerated in section one of this Act, shall receive for their services the compensation therein specified. Salaries and fees.

SEC. 3. All Acts and parts of Acts inconsistent with this Act, and especially an Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County, approved March fourth, eighteen hundred and seventy, are hereby repealed. Repealed.

SEC. 4. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and seventy-four. Takes effect.

CHAPTER DCXXV.

An Act for the relief of A. F. Gray, Treasurer and ex officio Tax Collector of El Dorado County.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller is hereby authorized and directed to credit A. F. Gray, Treasurer of El Dorado County, with one hundred poll tax receipts. State Controller.

SEC. 2. This Act shall take effect immediately.

CHAPTER DCXXVI.

An Act to open and establish a public street in the City and County of San Francisco, to be called "Montgomery Avenue," and to take private lands therefor.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following described piece of land, situate in the City and County of San Francisco, that is to say: Beginning at a point on the westerly side of Montgomery street, seventy-six feet measured on said line of said street north of the northern line of Washington street; thence to a point on the northern line of Vallejo street, one hundred and forty-six feet west of the western line of Dupont street, passing near to but not touching or including any portion of the Church of San Francisco de Assio; thence continuing the same straight line to Description; boundaries.

| | |
|--------------------------------------|---|
| Title vested. | the northern line of Beach street; thence southwesterly and perpendicular to the first line, eighty feet; thence southeasterly, parallel to the first line, to the southwest corner of Montgomery and Washington streets; thence to the beginning; is hereby taken and dedicated for an open and public street; and when paid for as hereinafter provided, the title thereto shall vest in said city and county for such purpose forever, as the title of other public streets in said city and county now is vested; and said street shall hereafter be known and designated as Montgomery Avenue. |
| Grade. | SEC. 2. The grade of Montgomery Avenue shall be as follows: from its intersection with Montgomery and Washington streets to the northern line of Beach street, as now established by ordinance, the said Montgomery Avenue shall intersect and cross the several streets intersected by it on and according to the grades of said several streets respectively as now fixed by ordinance; <i>provided</i> , that at said several intersections such |
| Changes. | changes may be made by the Board of Public Works, as hereinafter provided, as shall facilitate the flow of water over the gutters along the sides of said avenue and intersecting streets. |
| Definition of cost. | SEC. 3. The value of the land taken for said Montgomery Avenue, and the damages to improvements thereon or adjacent thereto injured thereby, and all other expenses whatsoever, incidental to the taking and opening of said avenue, shall be held and considered to be the cost of opening said Montgomery Avenue, and shall be assessed on the lands mentioned and described in the following section of this Act, in proportion to the benefits accruing therefrom to said several lots, subdivisions, and pieces of land respectively, which said lands are hereby declared to be benefited by the opening of said avenue. |
| Assessments. | |
| Description of lands to be assessed. | SEC. 4. The lands referred to in the preceding section as those upon which the cost of opening said Montgomery Avenue, as said cost is defined in this Act shall be assessed, are all the lots, pieces, and subdivisions of land included within the following described tracts, blocks, and parcels of land, that is to say: |
| First. | <i>First</i> —Beginning at the northwest corner of Kearny and Broadway streets, and running thence westerly along the northern line of Broadway street to the eastern line of Leavenworth street; thence along said line of Leavenworth street to the northern line of Union street; thence westerly along said line of Union street to the eastern line of the Presidio Government Reservation; thence northerly along said line of said Reservation to the southern line of Lewis street; thence easterly along said line of Lewis street to its intersection with the western line of Polk street, continued; thence southerly at right angles with Lewis street to the point of intersection of the southern line of Tonquin street with the western line of Polk street; thence easterly at right angles to the western line of Larkin street, extended; thence southerly along said line of Larkin street to its intersection with the southern line of Jefferson street; thence at right angles with Larkin street along Jefferson street to its intersection with the western line of Powell street; thence at right angles southerly to the southern side of Beach street; thence at right angles easterly to the western line of Dupont street; thence at right angles southerly to the |

southern line of North Point street; thence at right angles easterly to the western line of Kearny street; thence to the beginning.

Second—All the lots of land in the block bounded by Mont-Second. gomery, Kearny, Washington, and Jackson streets.

Third—All the lots of land in the block bounded by Mont-Third. gomery, Kearny, Jackson, and Pacific streets.

Fourth—All the lots of land in the twelve blocks which are Fourth. included within Broadway, Jackson, Jones, and Kearny streets.

Fifth—All the lots of land lying on the south side of Jackson Fifth. street, between Jones and Kearny streets, for a depth of one hundred and thirty-seven and one half feet southerly from the southern line of Jackson street.

Sixth—All the lots of land remaining since the widening of Sixth. Kearny street in the fifty vara lot number thirty-one, being the fifty vara lot which lies in the northwest corner of Washington and Kearny streets.

Seventh—All the lots of land lying on the eastern side of Seventh. Kearny street, between Washington and California streets, for a depth easterly of one hundred feet from said line of Kearny street.

Eighth—All the lots of land lying on the western side of Eighth. Kearny street, between Clay and California streets, for a depth westerly of one hundred feet from said line of Kearny street; also, the lots of land bounded and described as follows: beginning at a point on the southerly line of Washington street, one hundred feet easterly from the southeast corner of Washington and Kearny streets; thence easterly along the southerly line of Washington street to a point one hundred feet westerly from Montgomery street; thence southerly at right angles to Merchant street; thence westerly along Merchant street to a point one hundred feet easterly from Kearny street; and thence northerly at right angles to the point of beginning.

Ninth—All the lots of land lying on both sides of Mont-Ninth. gomery street, between Washington and California streets, for a depth, respectively, of one hundred feet easterly from the eastern line, and one hundred feet westerly from the western line, of said street.

Tenth—All the lots of land in the block included between Tenth. Montgomery, Sansome, Washington, and Jackson streets; also, all the lots of land beginning on the southeast corner of Pacific and Montgomery streets; thence southerly along Montgomery street to Jackson street; thence easterly along Jackson street to Sansome street; thence northerly along Sansome street one hundred and thirty-seven and one half ($137\frac{1}{2}$) feet; thence westerly, parallel to Jackson street, two hundred and seventy-five (275) feet; thence northerly, parallel to Montgomery street, one hundred and thirty-seven and one half ($137\frac{1}{2}$) feet to Pacific street; thence westerly along Pacific street to the beginning.

Eleventh—All the lots of land which are included within the Eleventh. following boundaries, viz: on the west by Kearny street; on the north by Filbert street; on the south by Vallejo street; and

on the east by a line parallel with and two hundred and seventy-five feet easterly from Kearny street.

Twelfth.

Twelfth—All the lots of land bounded and described as follows, viz: commencing on the southeast corner of Vallejo and Kearny streets; thence southerly along Kearny street to Broadway; thence easterly along the northerly line of Broadway one hundred and thirty-seven feet six inches; thence at right angles northerly one hundred and thirty-seven feet six inches; thence at right angles easterly one hundred and thirty-seven feet six inches; thence at right angles northerly one hundred and thirty-seven feet six inches to Vallejo street; and thence westerly along Vallejo street to beginning.

Thirteenth.

Thirteenth—Commencing on the southeast corner of Broadway and Kearny street; thence southerly along Kearny street to Pacific street; thence easterly along the northerly line of Pacific street two hundred and seventy-five feet; thence at right angles northerly one hundred and thirty-seven feet six inches; thence at right angles westerly one hundred and thirty-seven feet six inches; thence at right angles northerly one hundred and thirty-seven feet six inches to Broadway street; thence westerly along Broadway street to beginning.

Fourteenth

Fourteenth—All the lots of land lying between Washington, Sansome, and Merchant streets, and a line from Washington to Merchant street parallel with Montgomery street and distant therefrom easterly one hundred feet; *provided*, nevertheless, that all public streets, public squares, belonging to the Government of the United States or to the State of California, which may be included in any of the above described lands or within the limits of said avenue, shall not be assessed for the cost of opening said avenue; and *provided* further, that if at any time before the report of said Board, provided for in section seven of this Act, is made to said County Court, the Government of the United States, or the State of California, or the said City and County of San Francisco, shall relinquish or convey, or in any manner transfer its or their title to any portion of said lands to any person or corporation, said lands so transferred to private ownership shall be assessed in the same manner as other lands now private property lying within the limits of any of the above described tracts of land.

Excep-
tions.

Condition.

Petition;
Board of
Public
Works.

SEC. 5. Whenever the owners of a majority in frontage of the property described in section four of this Act as said owners are or shall be named in the last preceding annual assessment roll for the State, city, and county taxes, shall petition the Mayor of said city and county, in writing, for the opening of Montgomery Avenue according to the provisions of this Act, the Board of Public Works, as created by section nineteen of this Act, shall proceed to organize by the election of a President, and immediately thereafter it shall demand, and there shall be delivered to it by the late Montgomery Avenue Commissioners and by all other persons or officers charged with the custody thereof, all books, maps, papers, diagrams, plats, surveys, abstracts, and muniments of title, reports, and all other matters relative or appertaining to the taking and opening of the said avenue under or in pursuance of the terms and provisions of an Act entitled "An Act to make, open, and establish

Succession
in office.

a public street in the City and County of San Francisco to be called Montgomery Avenue, and to take private lands therefor," approved March twenty-ninth, eighteen hundred and seventy. The said Board of Public Works may adopt such surveys, maps, plans, diagrams, subdivisions, block books, or other data as aforesaid as after examination and review shall meet its approval; it may also alter, modify, or reject the same or any part thereof, and make new surveys, plans, maps, block books, or other exhibits necessary or convenient for the prosecution of its duties under the provisions of this Act; and the said Board, for the better execution of its duties and functions as defined in this Act, may employ such surveyors, draughtsmen, or other persons as in its judgment and discretion shall be necessary, but at rates of compensation not exceeding those ordinarily paid for like services by private parties.

SEC. 6. The said Board of Public Works having adopted surveys, plans, maps, block books, or other working exhibits as hereinbefore mentioned, shall proceed to ascertain and determine, and separately state and set down in a written report, to be signed by at least a majority of said Board, the description and actual cash value of the several lots and subdivisions of land included in the land taken for said Montgomery Avenue, the amount of damage that will be occasioned to the property along the line and within the course of said avenue. In making said report said Board shall severally specify and describe each lot, subdivision, or piece of property taken or injured, following, where possible, the descriptions shown on the maps, descriptions, and deeds, and other instruments in the custody of said Board; and shall set against each lot, subdivision, or piece of property the names of the owners, occupants, and claimants thereof, or of persons interested therein as lessees, incumbrancers, or otherwise, and the particulars of their interests respectively, so far as the same can be ascertained, and the amount of value or damage determined upon for the same respectively. If in any case said Board shall find that conflicting claims of title exist, or shall be in ignorance or doubt as to the ownership of any parcel of land, or of any interest therein, it shall be set down as belonging to unknown owners. Said Board shall also proceed to ascertain and determine and separately state and set down in a written report a description of the several subdivisions and lots of land included in the district defined in section four of this Act, following, when possible, the descriptions and deeds and other instruments filed with said Board; and opposite to such description shall set against each lot or subdivision the sum or amount in which, according to the judgment and determination of said Board, the said lot or subdivision has been or will be benefited by reason of the taking and opening of said avenue relatively to the benefits therefrom accruing to the other lots or subdivisions respectively within said district. Said Board shall also set against each lot or subdivision as aforesaid the names of the owners, occupants, and claimants thereof, so far as the same can be ascertained conveniently by said Board. The said Board shall adopt a general map or plan of the said Montgomery Avenue, and of the lands herein declared to be benefited thereby; and it shall also adopt a map or

Powers,

Determination of values; damages.

Separate descriptions.

Conflicting titles.

Names of owners.

Map.

Completed
report.

maps of each block or piece of land taken for said avenue, and also the property injured thereby, and also each lot and subdivision of land liable to be assessed to pay the costs and expenses of opening said avenue as the same are defined in this Act. Such report, as soon as the same is completed, shall be left at the office of said Board daily, during ordinary business hours, for thirty days, for the free inspection of all parties interested, and notice that the same is so open for inspection for such time and such place shall be published by said Board daily for twenty days in two daily newspapers printed and published in said city and county.

Appeals
to the
County
Court.

Time for
hearing.

Testimony.

Decision.

Presenta-
tion of
report.

Alter-
ations and
modifica-
tions.

SEC. 7. Any person interested in any piece or parcel of land situated within the district defined and described in section four of this Act, or in any of the lands taken for said avenue, or in any improvements damaged by the opening of said avenue, feeling himself aggrieved by the action or determination of the said Board, as shown in said report, may at any time within the thirty days mentioned in section six of this Act, apply by petition to the County Court of the City and County of San Francisco, setting forth his interest in the proceedings had before said Board and his objections thereto, for an order on said Board requiring it to file with said Court the report of said Board, and such other documents or data as may be pertinent thereto in the custody of said Board and used by it in preparing said report. Said Court is hereby authorized and empowered to hear said petition, and shall set the same down for a hearing within ten days from the date of the filing thereof; and the party filing said petition shall, on the day he files the same, serve a copy thereof on at least one of the members of the Board of Public Works, and said Board may appear, by counsel or otherwise, before said Court in response to said petition. Said Board may file a written answer to said petition with said Court. Testimony may be taken by said Court upon said hearing, and the process of the Court may be used to compel the attendance of witnesses and the production of books or papers or maps in the custody of said Board or otherwise. It shall be in the discretion of said Court, after hearing and considering said application, to allow said order or deny the same; and if granted, a copy thereof shall be served on said Board, and it shall proceed to obey the same according to the terms of the order to be prescribed by the Court. But in case no such petition shall be filed with said County Court within the time above limited for the filing thereof, the said report shall be presented by the said Board to the said County Court, with a petition to the Court that the same be approved and confirmed by the Court. The Court shall have power to approve and confirm said report or refer the same back to the said Board with directions to alter or modify the same in the particulars specified by the Court in the order referring the same back, and thereupon the said Board shall proceed to make the alterations and modifications specified in the order of said Court. The alterations and modifications aforesaid being made, the report shall be again submitted to the said Court, and if the Court upon examination shall find that the alterations and modifications have been made according to the directions contained in

said order, the said Court shall approve and confirm the same by an order to be entered on its minutes; but if the said Board shall have neglected or failed to make the alterations and modifications set forth in the order of reference, the Court may again refer the report back to said Board, and so on until its original order of alteration and modification shall have been complied with by said Board, and then said Court shall approve and confirm said report. Any party dissatisfied with said report or any part thereof, who shall have filed a petition in the County Court as provided in this section, may, within thirty days after the entry of the order mentioned in this section, appeal to the Supreme Court to review the matter or matters complained of in the petition so filed, and such appeal shall be taken in the manner and with the same effect and in all respects in conformity to sections twelve, thirteen, and fourteen of "An Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for public improvements, and to prescribe the manner of its execution," approved April fourth, eighteen hundred and sixty-four, and all subsequent proceedings shall be in conformity therewith, except that so far as said sections are used in carrying out this Act, the words "Board of Public Works" shall be substituted in the place of the words "Board of Supervisors" and "Board of Supervisors of said city and county," where the same occur in said sections.

Appeals to
the
Supreme
Court.

SEC. 8. All the damages, costs, and expenses arising from or incidental to the opening of said avenue being fixed and determined by the final confirmation of the report, as in this Act provided, no appeal having been taken as provided in the last preceding section, or the report having become otherwise final, said Board shall cause to be prepared and issued bonds in sums of not less than one thousand dollars each, for such an amount as shall be necessary to pay and discharge all said damages, costs, and expenses as aforesaid. Said bonds shall be known and designated as the "Montgomery Avenue Bonds;" shall be payable in thirty years from their date, unless sooner redeemed as in this Act provided, and shall bear interest at six per cent per annum, payable semi-annually at the office of the Treasurer of said city and county. Coupons for the interest shall be attached to each bond so that they may be removed without injury or mutilation to the bond. Such coupons, consecutively numbered, shall be signed by the President of said Board, and the bonds shall be signed by all the members thereof, and the seal thereof shall be affixed to each bond.

Mont-
gomery
Avenue
bonds.

SEC. 9. Any person or persons to whom damages shall be awarded according to the provisions of this Act, upon tendering to the said Board a satisfactory deed of conveyance to said city and county of the lands for which said damages were so awarded, shall be entitled to have, and there shall be issued and delivered to him, bonds in an amount equal to the sum of the damages as awarded for the lands conveyed as aforesaid, together with the damages for the improvements thereon or affected thereby; and the bonds so issued and delivered shall be accepted, and shall be in full compensation of and for all

Payment of
damages.

damages for lands and improvements taken and improvements injured as contemplated in this Act.

Advertise-
ment for
sale of
bonds.

SEC. 10. In case any person or persons entitled thereto shall, for the period of ten days after the final confirmation of said report as herein provided, fail or neglect to accept bonds in compensation for damages allowed for lands taken, or improvements destroyed or injured, as provided in the last preceding section, the Mayor, Auditor, and Treasurer of said city and county shall advertise for the period of sixty days for sealed proposals for bonds, by notice published daily, Sundays excepted, in two daily newspapers published in the City and County of San Francisco. Said notice shall embody a succinct description of the bonds, and specify the rate of interest, when and where the same will be paid, and describe the manner in which bids therefor must be made. All bids shall be accom-

Bids.]

panied by a bond on the part of the bidder, with one or more sureties satisfactory to said Mayor, Auditor, and Treasurer, conditioned that if an award is made by the Board, the terms of the bid will be complied with by the bidder. Proposals unaccompanied by a bond as aforesaid shall not be considered. Said Mayor, Auditor, and Treasurer may prescribe the form of the bid and of the bonds, and shall furnish the same to such persons as desire to make proposals for bonds. The said proposals shall be opened in the presence of the Mayor, Auditor, and Treasurer of said city and county at the expiration of sixty days from the first publication of the notice aforesaid, and the

Awards.

bonds shall be awarded to the highest bidders therefor whose proposals conform to the requirements hereof. Any person to whom damages have been awarded by said Board of Public Works may bid for bonds to the extent of the sum awarded to him, or for any lesser sum, specifying in his proposal that he will accept bonds at the price stated in his bid in compensation for the damages so awarded in his favor; and such bids being equally as advantageous as the best cash bids, shall be accepted in preference to cash bids. If the party shall not bid

Warrants
in payment

for such an amount of bonds as shall equal the amount of damages awarded, the Board shall deliver to him a warrant upon the Montgomery Avenue Fund, as hereinafter provided; and upon receiving the bonds and warrants as aforesaid, and the warrants being paid, the party shall file with the said Board an acquittance in full for all damages so awarded to him as aforesaid. Bidders of the class mentioned in this section shall be entitled to receive the bonds awarded to them as aforesaid, upon delivering to the said Board possession of the property in respect to which the award was made, and such conveyance thereof as shall be approved by the said Board. The said Mayor, Auditor, and Treasurer are authorized and empowered to sell and dispose of bonds sufficient to realize money enough to meet and discharge all the expenses and damages arising from the opening of said avenue, as in this Act provided, and as established by the report as finally confirmed. The money arising from the sale of said bonds shall be paid to the Treasurer of said city and county, who shall receive and safely keep the same as moneys belonging to said city and county are kept; and said Fund shall be known and designated

Sale of
bonds.

as the Montgomery Avenue Fund. As soon as said bonds shall have been converted into money, as in this Act provided, the Board of Public Works shall give public notice in two daily newspapers published in said city and county, for at least ten days, that they are prepared to pay in full all damages and liabilities fixed by the final report of said Board (and not already discharged); and upon receiving from the parties entitled thereto the proper deeds or proper acquittances from those entitled to compensation, other than for damages to lands or improvements, the said Board shall give to such party an order upon the Treasurer for the amount shown to be due according to said finally approved report, and the Treasurer shall pay said order out of the said Montgomery Avenue Fund.

Montgomery Avenue Fund.

SEC. 11. There shall be levied, assessed, and collected annually, at the same time and in the same manner as other taxes are levied, assessed, and collected in said city and county, a tax upon the lands described in section four of this Act sufficient to pay the interest upon said bonds as the same mature. The assessment therefor, however, shall be adjusted and distributed according to the enhanced values of the respective parcels of land as fixed in the said final report by the said Board. When collected the said moneys shall be paid over to the Treasurer of the said city and county and constitute a part of the Montgomery Avenue Fund, and be paid out by said Treasurer only in payment of the coupons attached to said bonds as the same from time to time become due. There shall be levied, assessed, and collected annually, commencing with the year eighteen hundred and eighty, at the same time and in the same manner, and upon the same lands, and in accordance with the same rule of assessment upon enhanced values, as provided in this section, a tax of one per cent upon each one hundred dollars valuation, which shall constitute a Sinking Fund for the redemption of said bonds. Said moneys when collected shall be paid over to the Treasurer of said city and county, and shall constitute a part of the Montgomery Avenue Fund, and shall only be paid out in redeeming the bonds issued in pursuance of the provisions of this Act. Whenever the said Treasurer shall have in his custody ten thousand dollars or more belonging to the said Montgomery Avenue Fund as a Sinking Fund, it is hereby made his duty and he shall advertise daily for the surrender of said bonds for the space of ten days, Sundays excepted, in two daily newspapers published in the City and County of San Francisco, for sealed proposals, to be opened after the expiration of said ten days by said Treasurer, in the presence of the Mayor and the bidders, if they or any of them shall elect to be present, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money in the custody of the said Treasurer for the purpose of redemption, and he shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand for the redemption is exhausted; *provided*, however, that if a sufficient amount of bonds shall not be offered as aforesaid to exhaust the Sinking Fund to a less amount than three thousand dollars, then it is hereby made the duty of the said Treasurer to advertise in two daily newspapers, one of which

Tax for interest.

Adjustment to enhanced values.

Tax for Sinking Fund.

Redemption of bonds.

shall be published in the City and County of San Francisco and the other of which shall be published at the City of Sacramento, for the period of sixty days, Sundays excepted, which advertisement shall state the amount in the Sinking Fund and the number of bonds, numbering them in the order of their issuance, which such Fund is set apart to pay and discharge; and if said bonds so numbered in such advertisement shall not be presented for payment and cancellation within thirty days after the expiration of such publication of said advertisement, then said Fund shall remain in the Treasury to discharge such bonds whenever presented; but they shall draw no interest after the publication of said last mentioned notice shall have expired. All bonds and coupons redeemed as aforesaid shall be canceled by the Treasurer in the presence of the Mayor and Auditor. The Treasurer shall keep a full and accurate account and record of all his proceedings under this Act, and of the bonds redeemed and surrendered, and all books and papers pertaining to matters provided for in this Act shall at all times during office hours be open to public inspection. Taxes levied to pay the interest on said bonds may be paid by the surrender to the Tax Collector of said city and county of such coupons as shall mature within the then current fiscal year, and the said Tax Collector shall turn the same over to the Treasurer, who shall receive the same as cash.

Cancellation.

Block books.

Descriptions.

Apportionment of taxation.

SEC. 12. The said Board of Public Works shall cause block books to be prepared, exhibiting the district declared herein to be benefited by the opening of said avenue, according to the blocks or fractional parts of blocks thereof, and the subdivisions according to which the benefits were fixed and determined. Also, in convenient book form, descriptions of the several subdivisions shown on said block books, and shall set opposite to each description of such several subdivisions the amount of benefits or enhanced value to said subdivision as established by said confirmed report, by reason of the opening of said avenue. Said block books and description note books shall be certified by the said Board, and then delivered by the said Board to the Assessor of the City and County of San Francisco, in whose office they shall be kept as a part of the records of his office, until all the bonds issued in pursuance of this Act shall have been redeemed. Taxes levied to pay the interest and principal of the bonds issued in pursuance of the provisions of this Act shall be apportioned on the lands described in section four of this Act, in strict accordance with the enhanced values of the respective parcels thereof as established by said confirmed report; *provided*, however, that if there shall be subdivisions made of particular parcels of land differing from those set forth in the certified copy filed in said Assessor's office, the said Assessor shall have the power, and it is hereby made his duty, to equitably reapportion the sum of the benefits upon and according to the new subdivisions of the said particular parcel aforesaid.

SEC. 13. In all cases when the owner or owners of any subdivision of land taken for the opening of said avenue, or of any improvements destroyed or injured, is or are unknown, or is or are known to be laboring under any legal disability, and

in cases where there are liens or encumbrances, or leases, or conflicting claims, or disputes, or doubts about the title of any lot or subdivision of land, which cannot be adjusted between the parties in interest, in all such cases it shall be the duty of the Board of Public Works to draw a warrant on the Treasurer of said city and county, payable out of said Montgomery Avenue Fund, for the amount awarded in each case as the value of the respective lots of land taken for said avenue, or for damages awarded on account of improvements destroyed or injured by reason of the opening thereof, as fixed in said report, and to deposit said warrant with the County Clerk of said city and county; and thereupon, and on proof of the same, the said Board shall be entitled to be put in possession of such lots of land as shall be taken for said avenue, in the same manner as provided in section fourteen of this Act; and the title to said lots of land shall thenceforth be vested in said city and county as effectually as if the same had been conveyed by deed executed by the true owners thereof. Said Board shall also notify the said Treasurer of the drawing of said warrant, and furnish him with a description of the lot referred to by said warrant; and the parties in interest in said lot may proceed against the Treasurer by bill in equity for an adjudication to settle the conflicting claims to the same, or to provide for its just and proper distribution, in which suit all parties in interest or dispute shall be made parties, if known. On entry of a final decree of Court in such action, the said County Clerk shall deliver the warrant to the party or parties entitled thereto, according to the order of the Court. The only requisition upon the Treasurer shall be to answer whether he has the money in the Montgomery Avenue Fund to pay the warrant when presented.

SEC. 14. In case any person to whom or in whose favor damages shall have been awarded by said Board shall fail or neglect, for the period of twenty days after there shall be funds to the credit of the Montgomery Avenue Fund sufficient to pay such damages, to ask for and receive from said Board a warrant for the sum so awarded, the said Board may draw a warrant upon said Treasurer in favor of said owner or owners, and deposit the same with the Clerk of said city and county, accompanied by a certificate of said Treasurer that the warrant so drawn and deposited has been registered by him, and that there are funds in his hands to pay the same; and thereupon said Board, on demand, shall be entitled to an order of the County Court authorizing them to enter upon such piece of land and remove obstructions therefrom, and to throw open the lots so described as part of said street; and thereupon an execution may issue to the Sheriff of said city and county in the nature of a writ of habere facias possessionem, commanding him to put the said Board in possession of such lot for the said city and county; and thereafter, upon delivering to the said County Court a sufficient deed conveying said lot of land to the said city and county, the party so dispossessed shall be entitled to

Method of
payments
of damages
to clouded
property.

Payments
to
neglecting
owners.

Execution.

receive the value of the land so conveyed, or the said warrant of the Board therefor.

Removal of
buildings.

SEC. 15. Should the owners of any land taken for said avenue fail or neglect, within the space of thirty days after the money is in the Treasury to pay for the same, to remove the buildings and improvements from their said lands, and deliver possession of said lands to said Board on tender from said Board to them respectively of the sums awarded to them respectively by said Board, as the value of such lands, buildings, or improvements, then the said Board may at any time thereafter sell such buildings and improvements at public auction to the highest bidders, to be removed by the respective purchasers thereof. The sums so bid at such sales shall be paid in cash, or in such warrants of said Board; and if at such auction there shall be no responsible bidder for such improvements, with the obligation to remove them within the time specified in the terms of sale, the said Board shall cause the same to be removed at the cost of said Montgomery Avenue.

Street
improve-
ments.

SEC. 16. The said Montgomery Avenue when opened shall be sewer, graded, sidewalked, and planked or paved by the municipal authorities in accordance with the rules, regulations, statutes, and ordinances applicable to the other public streets of the City and County of San Francisco.

Street
railroads.

SEC. 17. The right is hereby granted to the corporation named and known as the "North Beach and Mission Railroad Company," the assignee of the parties named as the grantees in an Act entitled "An Act to grant to certain parties the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon," passed April seventeen, eighteen hundred and sixty-one, to lay down and maintain within the City and County of San Francisco an iron railroad with a single or double track, with all the necessary switches, side tracks, and turnouts, as follows: from and connecting with said company's railroad on Kearny street at said Montgomery Avenue; thence on and along Montgomery Avenue to Mason street, to and connecting with the railroad now used by said company on said Mason street. And the right is also hereby granted to the corporation named and known as the "Omnibus Railroad Company," the assignee of the parties named as the grantees in an Act entitled "An Act to provide for a railroad within the City and County of San Francisco," passed April seventeen, eighteen hundred and sixty-one, to lay down and maintain, within the City and County of San Francisco, an iron railroad with a single or double track, with all the necessary switches and turnouts, as follows: from and connecting with said company's railroad on Montgomery street at Montgomery Avenue; thence on and along said Montgomery Avenue to Powell street, to and connecting with said company's railroad on Powell street; *provided*, and the rights herein granted are upon the conditions following, viz: that the railroads hereby authorized to be constructed shall be built simultaneously with the paving and curbing of said avenue, as hereinafter provided; that no more than one set of rails, that is to say, one double track, shall be laid in said Montgomery Avenue, which shall be for the common use of both said companies,

between Stockton and Kearny streets, and the tracks shall be paved with like materials with the remainder of the roadway of said avenue. Either of said companies may build said railroads over the portions of the route which they shall hold in common, and the other company shall pay to the company so building the same, one equal half part of the reasonable cost of constructing the same, before it shall be entitled to make use thereof.

SEC. 18. The word "persons" when used in this Act, shall be held and construed to include "corporations." All Acts or parts of Acts, so far as they conflict with this Act, are hereby repealed. Definitions.

SEC. 19. Until, and unless otherwise provided by Act of the Legislature in that behalf, it is hereby declared that the Mayor, the Tax Collector, and the City and County Surveyor of the City and County of San Francisco, shall be and are hereby created a Board of Public Works within the meaning and intent of this Act, and as such Board are hereby authorized, empowered, and directed to perform all and singular the duties herein enjoined upon the Board of Public Works as herein provided. A salary of two thousand dollars per annum shall be allowed and paid to each of the said officers as members of the Board, out of the Montgomery Avenue Fund, in the same manner as other claims on such Fund are herein provided to be paid; *provided*, that no person performing any service or duty under this Act shall be entitled to have or receive compensation for exceeding one year's service. Board of Public Works.

SEC. 20. All bonds and warrants shall be payable in United States gold coin, and all taxes collected in pursuance hereof shall be in like gold coin. Salaries.

SEC. 21. The Clerk of the said city and county shall be entitled to charge and receive such fees as are allowed by law in civil actions for any services rendered by him in pursuance of any provision of this Act, except that for services rendered at the request and on the behalf of the Board of Public Works he shall not be allowed to make any charge therefor. Bonds and warrants.

SEC. 22. All money remaining in the hands of the Treasurer after all bonds shall have been redeemed, shall be paid into the General Fund of the City and County of San Francisco. Fees.

SEC. 23. The sum of money paid out of the General Fund of the Treasury of the City and County of San Francisco, under and in pursuance of an "Act entitled an Act to repeal an Act entitled an Act to make, open, and establish a public street in the City and County of San Francisco to be called Montgomery Avenue, and to take private lands therefor, approved March twenty-ninth, eighteen hundred and seventy, and to provide for the payment of the expense incurred under said Act, approved March first, eighteen hundred and seventy-two," shall be restored to said General Fund and be deemed and held to constitute a part of the cost of the said Montgomery Avenue, and the money therefor shall be raised by the sale of bonds as aforesaid, which shall be retired as herein provided for retiring other bonds issued in pursuance hereof. Surplus moneys.

SEC. 24. It is hereby expressly provided that the City and County of San Francisco shall not in any event whatever be Assumption of debt

Express
condition
of bonds.

liable for the payment of the bonds nor any part thereof provided to be issued under this Act, and any person purchasing said bonds or otherwise becoming the owner of any bond or bonds, accepts the same upon that express stipulation and understanding.

Seal of
office.

SEC. 25. The Board of Public Works shall provide itself with an official seal, which shall be used to verify such acts of the Board as are herein directed to be done under the seal of the Board.

SEC. 26. This Act shall take effect immediately.

CHAPTER DCXXVII.

An Act supplementary to an Act entitled an Act to authorize the distribution of the Reports of the State Geological Survey, approved February second, eighteen hundred and seventy-two.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Volumes
and maps.

SECTION 1. Of each of the volumes and maps of the State Geological Survey already published, or which may be hereafter published, one hundred copies shall be deposited at the office of the Secretary of State by the State Geologist, subject to the order of the Governor, for gratuitous distribution to the various State and Territorial Libraries, to public libraries, and to the libraries of universities, colleges, and learned societies in the United States.

Foreign
countries.

SEC. 2. One hundred copies of the same may be distributed by the State Geologist to public libraries and learned institutions in foreign countries, to the officers of other geological surveys, and to persons who may have rendered special services to the Geological Survey of California.

Counties
in this
State.

SEC. 3. On application by the County Clerks of the respective counties to the State Geologist, one copy of each of same shall be given to each county in the State of California, to be deposited and kept with the county records, and to be accessible at all reasonable hours for inspection by the general public, the County Clerk being held responsible for the safe keeping of the same.

Records to
be kept.

SEC. 4. The Secretary of State and the State Geologist shall each keep a record of the volumes and maps thus distributed, specifying the names of the institutions or individuals to whom the same are given, and the State Geologist shall biennially communicate such record as kept by him to the office of the Secretary of State, where a complete record of the distribution herein provided for shall be preserved.

SEC. 5. No person or institution shall receive more than one copy of each volume or map, under the provisions of this Act.

SEC. 6. This Act shall take effect immediately.

CHAPTER DCXXVIII.

An Act to regulate the erection of public buildings and structures.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. When by any statute of this State power is given to any State or county officer or officers, or to any Board of Supervisors or corporation, or any Board of Trustees or Commissioners, or other person or persons created or appointed by authority of any such statute, to erect, or cause to be erected or constructed, any State or county or other building or structure, it shall be the duty of said officer or officers, Board of Supervisors, corporation, or Board of Trustees, or Commissioners, or other person or persons, to advertise for plans and specifications in detail for said building or other structure, and to state in said advertisement the amount authorized by law or otherwise to be expended for the erection of said building or structure; and also the premium to be awarded to the architect whose plans and specifications for the same may be adopted.

Plans and specifications; advertisement.

SEC. 2. Whenever the plans and specifications of any architect shall be adopted, such officer or officers, Board of Supervisors, or corporation, or Board of Trustees, or Commissioners, or other person or persons so adopting the same, shall, before any premium shall be awarded for such plans and specifications, require such architect to execute and file with such officer or officers, Board of Supervisors, corporation, or Board of Trustees, or Commissioners, or other person or persons, a good and sufficient bond, with two sufficient sureties thereto, in the penal sum of five thousand dollars, to be approved by such officer or officers, Board of Supervisors, corporation, or Board of Trustees, or Commissioners, or other person or persons, as the case may be, and conditioned that within sixty days from the date of said bond he will, on presentment to him, enter into a contract containing such provisions and conditions as may be required by such officer or officers, Board of Supervisors, corporation, or Board of Trustees, or Commissioners, or other person or persons; and also conditioned that he will give such further bond to secure the faithful performance of such contract, with such sureties as may be required of him, in the event that such officer or officers, Board of Supervisors, corporation, or Board of Trustees, or Commissioners, or other person or persons, so acting under authority of law should, within said sixty days, require said architect to enter into such

Architect's bond for a contract.

After
contract
is made.

contract to erect such building or structure, at the price named in said advertisement to be expended for such purpose. In case said architect whose plans and specifications are adopted should enter into such contract, it shall be the duty of such officer or officers, Board of Supervisors, corporation, or Board of Trustees, or Commissioners, or other person or persons, to employ a competent architect or superintendent, to superintend the erection of such building or structure, and to see that such plans and specifications are faithfully carried out.

SEC. 3. All contracts entered into by such officer or officers, Board of Supervisors, corporation, Board of Trustees, Commissioners, or other person or persons, in violation of the provisions of this Act, shall be null and void.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER DCXXIX.

An Act to provide for the construction of an open canal through Channel street and Mission Creek, in the City and County of San Francisco, for sanitary purposes, and for the taking of private lands for public use.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Description
by metes
and bounds

SECTION 1. That portion of Channel street, in the City and County of San Francisco, delineated as a canal on the official map of the City and County of San Francisco, signed by George C. Potter and Thaddeus R. Brooks, approved by the Board of Supervisors thereof, and made official by order number six hundred and eighty-four, on the thirtieth day of January, A. D. eighteen hundred and sixty-six, which lies east of the westerly line of Florida street, and between the west line of said Florida street and the northeast line of Seventh street, and from the northeasterly line of Seventh street to the Bay of San Francisco, and so much of the channel of Mission Creek as lies south of the south line of Channel street, west of the west line of Florida street, and north of the north line of Eighteenth street, and which is bounded on the east by a line described as follows, to wit: Commencing at a point on the north line of Eighteenth street, forty feet west from the northwest corner of Eighteenth street and Treat Avenue; thence northerly on a line parallel with the westerly line of Treat Avenue two hundred and seventy-five feet; thence on a reverse curve right and left, with a radius of three hundred and eighty-three one tenth feet, to a tangent parallel with the easterly line of Treat Avenue, and distant therefrom fifty feet; thence on said tangent to the south line of Sixteenth street, to a point fifty feet distant from the southeast corner of Sixteenth street and Treat Avenue; thence

curving to the right on a radius of one hundred and ninety-five feet, to a tangent which, if prolonged, would intersect the north line of Sixteenth street at a point two hundred and eight feet westerly from the northwest corner of Harrison and Sixteenth streets, and the west line of Harrison street one hundred and sixty-eight feet northerly from the said northwest corner of Harrison and Sixteenth streets; thence on said tangent and curve to the left, with a radius of four hundred and seventy-eight and three-tenths feet, to a tangent which intersects the south line of El Dorado street seventy-one feet four inches westerly from the southwest corner of El Dorado and Columbia streets, and would, if prolonged, intersect the south line of Alameda street at a point eight feet three inches east of the southeast corner of Alameda and Columbia streets; thence from said tangent on a curve to the left, with a radius of six hundred and seventy-four and seven tenths feet, to a tangent the extension of which would intersect the north line of Alameda street four feet easterly from the northeast corner of Alameda and Columbia streets and the south line of Channel street twenty-six feet east of the southeast corner of Channel and Columbia streets; thence from said tangent on a curve to the right, with a radius of two hundred feet, to the south line of the open canal in said Channel street, is hereby declared and dedicated to be, and shall forever remain, an open canal for the purposes of drainage and navigation. The width of said canal, from the west line of said Florida street to the northeasterly line of said Seventh street, shall be sixty feet, and located in the middle of said Channel street; and the width of said canal, from the northeasterly line of Seventh street to its eastern extremity, as herein prescribed, shall be one hundred and forty feet, and located in the middle of said Channel street; and the width of said canal, in that portion which lies west of the said Florida street, south of the south line of Florida street, and north of the north line of Eighteenth street, shall be forty feet.

Description
by metes
and bounds

Open canal.

Width.

SEC. 2. The Board of Supervisors of the City and County of San Francisco shall have the right to extend the streets abutting upon said Channel street and said canal across said canal upon drawbridges, furnished with such draws as will not obstruct the navigation of said canal, and not otherwise.

Streets and
draw-
bridges.

SEC. 3. The Board of Supervisors of the City and County of San Francisco shall have the power, by ordinance, and they are hereby authorized to cause a bulkhead, where necessary, to be constructed upon and along both sides of the whole of the canal named and provided for in section one of this Act, of such dimensions and materials as they shall determine to be most suitable; *provided*, said bulkhead shall be of sufficient dimensions and constructed of sufficient materials to protect said canal from encroachment caused or to be caused by the filling in and grading of lots and streets adjacent thereto; and said bulkhead may be built at one time and under one contract, or in different sections and under separate contracts, as hereinafter provided; and after said bulkhead is constructed, said Board shall cause said canal to be dredged to such a depth that the water therein will be two feet in depth at the lowest tide.

Construc-
tion of
bulkhead.Depth of
canal.

Con-
demnation
of lands.

SEC. 4. For the purpose of the construction of said bulkhead, the said Board of Supervisors are hereby authorized to cause to be condemned and appropriated to public uses any land which is private property lying on either side of said Channel street or canal, and which shall be actually necessary to be used for the purpose of affording a foundation for said bulkhead, or for the placing of piles or timbers used in said bulkhead, or the supports thereof, and the proceedings for such condemnation shall be as hereinafter provided.

Plan for
construction of
bulkhead.

SEC. 5. Immediately after the passage of this Act, the Board of Supervisors of the said City and County of San Francisco shall, by an order to be passed by them, adopt a plan for the construction of the bulkhead referred to in section three of this Act, and shall fix and determine upon the dimensions and material thereof, in accordance with the terms of this Act, and shall determine in what sections said bulkhead shall be built; and in order to enable them to do so, said Board of Supervisors shall cause a survey to be made, showing the nature of the ground on or through which said bulkhead is to be constructed, and a general outline of the contemplated improvements, which said survey shall be placed and kept on file in the office of the Clerk of said Board of Supervisors for the use of engineers and others hereafter referred to, and they are hereby authorized to adopt an ordinance inviting the submission to them, within a given time, by engineers, of plans and specifications for the making of the improvements above described and based on said survey, together with a detailed estimate of the cost of making the same, in such sections and subdivisions as would be most likely to secure a competition in any bids that may be invited for the doing of the work necessary to make such improvements, and may, by said ordinance, offer to pay to the engineer whose plans are accepted a sum not exceeding five hundred (500) dollars; and at the expiration of the time limited for receiving said plans and specifications the said Board shall cause the same to be opened in open session of said Board, and refer the same to a special committee of their body for examination as to which it would be to the best interest of said city and county to adopt; and upon the report of said committee being made, the said Board of Supervisors shall, by order, duly adopt such plan and specification as to them may seem most advantageous to the interests of the said city and county, and order the payment of the sum offered to be paid for the successful plans, to be paid out of the General Fund of the Treasury of the said city and county to the engineer whose plans and specifications may have been adopted.

Estimate of
cost.

Price for
accepted
plans.

Proceeding
in con-
demnation
of lands.

SEC. 6. If the plan adopted by said Board of Supervisors, as required by the fifth section of this Act, shall require the condemnation of any land which is private property for the purposes specified in section three of this Act, then said Board of Supervisors shall adopt an ordinance declaring their intention to cause the same to be done, and shall, by ordinance, determine and describe by metes and bounds what lot or lots, parcel or parcels of land, being private property, shall or may be necessary to be taken or appropriated for the purposes of the intended improvement, and what portion of said city and county will be

enhanced in value by the making of said improvement, and will be benefited thereby, and shall cause to be made an accurate map of the contemplated improvement and of the lands to be taken, and the district to be benefited thereby, upon which shall be designated by metes and bounds, courses and distances, each and every lot or parcel of land, being private property, which shall or may be necessary to be taken or appropriated for the purpose of the intended improvement, together with the name of the person or persons, corporation or corporations, as owner thereof, to whom the same was assessed upon the last preceding annual assessment roll of the real estate of the City and County of San Francisco for State, city and county taxes; and they shall cause a map of such part or portion of said city and county as they have determined will be benefited by said improvement to be made, designating thereon the outlines of said intended improvement, and in connection therewith each and every parcel of land that they have so ascertained will be enhanced in value by the making of the intended improvement, together with the names of every person who was assessed as the owner thereof upon the last preceding annual assessment roll for State, city and county taxes in said city and county. After said map is made, as is herein provided, the Board of Supervisors of said city and county shall cause a printed or written notice to be mailed, as hereinafter provided, to every owner or occupant of each lot of land delineated on said map, and that the Board of Supervisors, on a day named therein, will proceed to make a valuation of the lands delineated on said map, and will also distribute and apportion, in the form of an assessment, the total value of all the land delineated on said map as lands to be taken for the public use, upon the land delineated on said map as land which will be enhanced in value by the intended improvement, as near as may be in proportion to the enhancement in value or benefit which the Board finds will accrue to each and every lot of land by the completion of the intended improvement; said Board of Supervisors shall cause said notices to be mailed, postage paid, in the Post Office of said city and county, directed to each person whose name is upon said map as property owner. The service and mailing of said notices may be proved in the same manner as may be proved the service of a summons in a civil action. And unless the holders of the majority in value, as fixed by the last preceding assessment roll of the City and County of San Francisco for State, city and county taxation of the property situated in the district which said Board of Supervisors shall declare will be benefited by said improvement shall, within ninety days after the passage of said ordinance, file with the Clerk of said Board of Supervisors a petition duly signed by them, protesting against the construction of said improvement, said Board of Supervisors shall, by ordinance, direct the City and County Attorney of the City and County of San Francisco to file a petition on behalf of said City and County of San Francisco, in the County Court of the said City and County of San Francisco, reciting the adoption of said ordinance and praying said

Map.

Notice to owners and occupants.

Proof of service.

Petitions of protest.

Petition
for con-
demnation
of lands.

County Court to appoint three citizens of the City and County of San Francisco, who are not interested in any of the lands to be taken for said improvements or in any of the lands to be assessed for the payment of the same, to act as Commissioners for the valuation of the several pieces and parcels of land, being private property, that will be necessary to be taken for the purposes of said improvement and for the distribution of the cost of said lands and the costs and expenses of the condemnation thereof, and the costs and expenses of the improvements intended to be made in assessments upon the several tracts and parcels of land which, by said ordinance, it shall have been declared will be benefited by the making of said improvement. Said petition shall contain, as near as may be, an accurate description of each and every separate and distinct parcel of land, being private property, that it may be necessary to condemn and appropriate for public use for the purposes of said improvement, together with the name or names of the person or persons, corporation or corporations, to whom the same was assessed as owner or owners upon the last preceding annual assessment roll of assessments of the real estate of said city and county for State, city and county taxation, and shall also contain an accurate description of the land or district which said Board of Supervisors shall, by said ordinance, have declared will be benefited by said improvement.

Commis-
sioners of
assessment
and
valuation.

SEC. 7. Upon the filing of said petition in said County Court, the said County Court, or the Judge thereof, shall appoint three citizens of the City and County of San Francisco, of known probity, and who are not interested in any of the lands to be taken or assessed for said improvement, to act as Commissioners of estimate and assessment as prayed for in said petition; and said persons so appointed as such Commissioners shall severally take and subscribe before the Judge of said County Court an oath that they will make the estimates, and appraisements of value and assessments of benefits and damages to the best of their judgment and ability, without fear or favor, and that they have no interest in the controversy, nor in any of the lands to be taken or assessed within the limits designated as herein provided, before entering upon the discharge of their duties as such Commissioners; and said oath shall be filed with the Clerk of said County Court.

Notice to
resident
owners.

SEC. 8. Within ten days after their appointment, said Commissioners shall serve, or cause to be served, a written or printed notice upon each and every person who can by reasonable diligence be found in said city and county who is named in the aforesaid petition to the County Court as the owner of any of the lands to be taken for said improvement, of their appointment as Commissioners as aforesaid, and of the time and place (which time shall not be more than thirty days after their appointment, and which place shall not be without the limits of said city and county,) when and where they will begin the discharge of their duties as Commissioners, and that they will then and there receive any affidavits that any of said owners may have to offer in relation to the value of the land of said owner or owners which it is proposed to take for the purposes of said improvement; and they shall likewise cause to be pub-

lished for ten days, a general notice of like character, in the daily newspaper published in said City and County of San Francisco doing the public printing of said city and county.

SEC. 9. After the expiration of the time named in said notices the said Commissioners shall proceed to value the several parcels of land declared necessary to be taken for the purpose of the intended improvement; the said value shall be ascertained as that of the time of such inquiry, independently of any appreciation or depreciation caused to the same by reason of the probability of such intended improvement being made, and to distribute the total value of all the lands so ascertained, together with the costs and expenses of the proceeding, including such reasonable compensation to said Commissioners as may be designated by the County Court of said city and county, or the Judge thereof, in the form of an assessment, as near as may be in proportion to the enhancement in value they may find will accrue upon each and every lot and parcel of land within the district which said Board of Supervisors shall have determined will be benefited by said proposed improvement.

Determina-
tion of
values.

SEC. 10. On the completion of said assessment the said Commissioners shall cause to be published for ten days, in the newspaper aforesaid, or by a newspaper then doing the public printing of the City and County of San Francisco, a notice of the completion of said assessment, and inviting all parties interested therein to examine the same; and for that purpose said assessment, maps, and valuation shall be open and exhibited to public inspection at the office of the said Commissioners for thirty days after the first publication of said notice. During said thirty days said Commissioners may alter, change, or annul said assessment in any respect. But thereafter they shall complete the same in the form of a report and schedule, embracing the value of the lands taken for public use, and the assessment of the amount of the same as hereinbefore provided, upon the several parcels of land embraced within the benefited district, which report shall, at the expiration of said thirty days, be filed with the Clerk of said County Court, with proof of the service and publication of the notices aforesaid, together with a petition signed by at least two of said Commissioners, praying for a confirmation of said report. On filing such petition and report to said Court, the Judge thereof shall assign some day, not more than thirty days thereafter, as the time when any objections to the confirmation of said report will be heard by said Court; and the Clerk of said Court shall cause to be published for ten days, in three daily newspapers published in said city and county, a notice of filing said report and of the day assigned for the hearing of any objections that may be made thereto; and any party interested therein may at any time before the day assigned for the hearing thereof file in said County Court his objections, in writing, to the confirmation of the same, specifying with particularity his objections; and all objections not so specified shall be deemed to be waived.

Publication
of completed
assess-
ments.

Changes.

Objections.

SEC. 11. Upon proof of publication of the last mentioned notice, when the County Court is satisfied that all previous proceedings required by this Act have been taken, and the said Commissioners have in all respects performed their duties in

Finding by the County Court. regard to the intended improvement required by this Act, the said County Court shall have and take jurisdiction of said report, and of the subject matter thereof, and of the persons of the owners of the property affected thereby, as a special proceeding; and upon the day assigned for a hearing of objections thereto, and at such other time or times to which said hearing may be adjourned, the said Court may hear the allegations of the parties and the proofs adduced in support of the same, and after duly considering the same may confirm said report, or change, alter, or modify the same, or cause the same to be changed, altered, or modified by said Commissioners, and then confirm the same, as the justice and law of the case may require. Every judgment of confirmation shall be a lien upon each parcel of land described in said report of assessment for the amount respectively assigned against the same, from the date of such confirmation until the same is paid, and shall provide for the conveyance to said City and County of San Francisco of each and every of the lots of land and property declared to be necessary to be taken for the purpose of the improvement, upon the payment of the value thereof as ascertained by such judgment.

Judgment liens.

Appeals to the Supreme Court. SEC. 12. Any parties who may have filed objections to the confirmation of said report, who may be dissatisfied with the judgment of said Court rendered thereon, or the City and County of San Francisco, may appeal from said judgment of said County Court to the Supreme Court, and such appeal may be brought to a hearing in the same manner and upon like notice as appeals from District Courts to the Supreme Court.

Undertaking on appeal.

The amount of the undertaking to be given upon such appeal shall, upon application of the appellant, be fixed by the County Judge, and such undertaking shall be made payable to the City and County of San Francisco, except when the appeal is taken by the said city and county, when no undertaking shall be required from them. For the purposes of such appeal the judgment roll of said proceeding in the County Court shall consist of the papers, affidavits, notices, and reports required by this Act to be filed with or given by the Clerk of said County Court, and the judgment of said Court rendered thereon, and said appeal shall be taken up and heard by said Supreme Court upon questions of law only.

Judgment roll.

Executions for collection of confirmed assessments.

SEC. 13. At any time after the confirmation of said report, the time for appealing from the same having expired, or said appeal having been taken, and no undertaking having been given to stay proceedings therein, or said appeal having been disposed of by the affirmance of the judgment appealed from, the said Board of Supervisors may apply to said County Court by the said City and County Attorney, for an order or orders directing the issuance of executions for the collection of the confirmed assessments, made for the purpose of raising the money for the payment of the land taken for the purpose of such improvement, and the Court shall order the same to be issued, and the same shall be collected by the Sheriff of said city and county, as other executions are provided to be collected by law; and the said Sheriff shall be entitled to receive the same fees from the defendants in said executions as he is entitled to

by law in other cases; and the proceeds of the same, when collected, shall be paid by said Sheriff to the Treasurer of said city and county, who shall place the same to the credit of an account to be kept by him in the name of the particular improvement upon account of which it has been collected. At any time after the said Board of Supervisors would be entitled to ask of said County Court the issuance of said executions, any party who has been assessed for the payment of the lands taken for such improvement, may pay the amount of his assessment to the Treasurer of said City and County of San Francisco, and thereupon the Clerk of said County Court shall satisfy said judgment of confirmation as against the property so paid for, and the Treasurer of said City and County is hereby directed to place the money so received to the credit of said particular improvement, as aforesaid.

Sheriff's
fees.

SEC. 14. As soon as all the assessments made and confirmed for the raising of the money for the payment of the land taken for such improvement, has been collected and paid to the Treasurer of said city and county, in any district defined under section five of this Act, as hereinbefore provided, the Board of Supervisors, by its President and Clerk, shall draw its warrants upon said Treasurer in favor of each of the owners of the land taken for the purpose of such improvement in such district, for the amount allowed him, her, or them, as the value of the same, by the judgment of confirmation of said County Court, and the said Treasurer shall indorse upon each of said warrants that the funds for the payment of the same are then in the Treasury of the said city and county, and that the same will be paid upon presentation. The President of said Board of Supervisors shall then tender to such of the owners of said lands, so taken, as may then be in said city and county, and able to make a conveyance of said land, his, her, or their respective warrant, as aforesaid, and offer to deliver the same to such owner, upon he, she, or they executing and delivering to him a deed conveying, in fee simple, to said City and County of San Francisco the land for which the same is intended to make payment, free and clear of all encumbrances. Should such owners neglect, for the space of ten days, or refuse to make and deliver such deed or deeds, the President of said Board of Supervisors shall file a petition in said County Court of said city and county, in the said proceeding, setting forth such offer and refusal or neglect, together with the names of the owner or owners of such lots or parcels of land as are either not in said city and county, or who, being in said city and county, are unable, by reason of any incapacity, to make a good and sufficient deed of the same to said city and county, and offering to deposit with the Clerk of said Court the respective warrants as aforesaid, for each of said owners, and praying the appointment by the Court of a Commissioner to make the conveyance for and in the name of said owners, to the said city and county; and the said Court shall thereupon order said warrants to be deposited with the Clerk of said Court, and appoint a Commissioner to make, acknowledge, and deliver such conveyances, and the same shall, when so made by said Commissioner, have the same force, effect, and validity, as if the same had been made by the owners of said

Warrants
drawn in
favor of
land
owners.

Tender of
payment.

Neglect or
refusal to
make
deeds of
convey-
ance.

Deeds
executed
by special
Commissioner.

lands so taken and conveyed in his, her, or their own proper person or persons; and upon the execution of said conveyances, either by the parties themselves or by said Commissioner so appointed by said Court, the said President of said Board of Supervisors shall be ordered by said County Court to be placed in possession of said lot or lots of land so conveyed for said city and county.

Delivery of
warrants to
owners.

SEC. 15. The party or parties entitled to said warrants so deposited with the Clerk of said County Court may obtain the same by applying to said Court therefor, and by paying such compensation as has been allowed by said Court to the Commissioner for the preparation and execution of such commissions, and such expenses for stamps and notary fees, and as said Commissioner may have expended in that behalf. Should any other party or parties, other than the party or parties to whom the same are payable, claim such warrants or the money represented thereby, or any interest therein, such party or parties shall commence an action in equity against the party or parties to whom the same are made payable, in any District Court of said city and county, to determine the right to the same, and such warrant or warrants shall be delivered by the Clerk of said County Court to the party or parties that said District Court may adjudge to be entitled to the same.

Actions for
possession.

Lien
owners
must file
petitions.

SEC. 16. Any person claiming any kind of lien, whether the same be by mortgage or otherwise, upon lot or lots of land declared to be necessary to be taken for the purpose of any public improvement in accordance with the provisions of this Act, shall file a petition in the proceedings after the same has reached the County Court, and before the judgment of said Court thereon, setting forth the facts claimed to constitute said lien, and praying said Court to allow to such petitioner or petitioners so much of the value as may be adjudged to be paid to the owner or owners of said lands as will satisfy said lien; and the said Court shall make such order in the premises as is required by justice and the law of the case; and the receipt to said Board of Supervisors of said city and county of such lien holder for the amount so awarded to him, may be tendered and offered by the President of said Board of Supervisors to such owner or owners, or deposited with the Clerk of said County Court with the like effect as the tender or offer of deposit of a warrant upon the Treasurer of said city and county for a like amount; and any lien holder neglecting to make such application to the County Court shall lose and forfeit his lien upon said lot or lots of land so taken for public use, and the conveyance thereof by the owner or the Commissioner aforesaid of said city and county, shall convey the same free and clear of any and all such encumbrances.

Lien
holder's
receipt.

Sale of
improvements at
auction.

SEC. 17. Immediately after the President of said Board of Supervisors shall have been placed in the possession of the lot or lots of land taken, as herein provided, for the purposes of such improvement, the Superintendent of Streets of said city and county shall forthwith sell at public auction for cash, after ten days public notice, any or all buildings, or parts of buildings, or other improvements standing upon said lot or lots, conditioned that the same be removed by the purchaser or pur-

chasers thereof off of said lot or lots within thirty days after such sale, provided such removal be necessary. The proceeds of such sale or sales shall be deposited by him with the Treasurer of said city and county, who shall place the same to the credit of said particular Improvement Fund. Should any purchaser or purchasers of such building or buildings, or parts thereof, or other improvements, fail or neglect to remove the same within said thirty days, if necessary, the said Superintendent of Streets shall immediately thereafter cause the same to be torn down and taken off of said lot or lots at the expense of the purchaser or purchasers thereof, and the said city and county may maintain an action in any Court in this State having jurisdiction, against such purchaser or purchasers for the recovery of the amount of such expense, together with all the costs of such action, and a reasonable attorney's fee, to be fixed by the Court in which said action is brought, and to be included in the costs of such action.

Failure to
remove
purchases.

SEC. 18. The Board of Supervisors of said city and county are hereby authorized to declare, by ordinance, as aforesaid, that all or any part of said city and county shall and will be benefited by the making of said improvement, and all that part or portion of said city and county so declared benefited shall be assessed for the payment of the value of the private lands taken for such improvement, and the costs and expenses of the proceedings taken for the condemnation thereof, and for the costs and expenses of making said improvement.

Assess-
ments for
benefits.

SEC. 19. The said Board of Supervisors may, after the adoption of the plans and specifications, as provided for in section five of this Act, and after the City and County of San Francisco is in possession of the lands to be taken for said improvement, may appoint some suitable engineer to superintend the construction of said work, during the progress thereof, at a salary not to exceed two hundred and fifty dollars (\$250) per month, the total amount of which shall be charged and collected as a part of the costs and expenses of the making of said improvement.

Engineer.

Salary.

SEC. 20. Immediately after the said City and County of San Francisco shall have obtained possession of the lands necessary to be taken for the making of said improvements, as is hereinbefore provided, the said Board of Supervisors shall, by their ordinance, declare their intention, the whole, or so much as they shall decide, to be best of said improvements to be done in accordance with the plans and specifications adopted under section five of this Act, and shall, by advertisement in not less than three daily newspapers published in said city and county, for a space of not less than ten days, invite bids for the doing of the work necessary for the making of said improvement, in such allotment and parcels as to them may seem most advisable. Each of said bids shall be required to be accompanied with the certified check of some responsible bank or banker doing business in said city and county, in the sum of one thousand dollars, which shall be forfeited to said city and county in case the bidder whose bid is accepted shall not, within five days after the acceptance of the same, enter into a contract with said City and County of San Francisco for the performance of the work

Selection of
plans.

Advertise-
ment.

Bids.

Awards.

awarded to him upon his said bid, and execute a bond to said city and county, in a sum not less than the whole estimated amount he is to receive under said contract, with two or more good and sufficient sureties, to be approved by the Mayor of said city and county, conditioned for the faithful performance of his contract, according to the terms and specifications thereof. On the day named in said advertisement for the opening of said bids, they shall be opened in public session of said Board; and said Board may award said contract or contracts to the lowest bidder or bidders, or they may reject all of said bids, and readvertise for new bids, if they think proper.

Contracts.

SEC. 21. Every person whose bid may be accepted by said Board shall, within five (5) days thereafter, enter into a contract with the City and County of San Francisco for the faithful performance of the work awarded to him, according to the plans and specifications prepared therefor, which said contract shall contain as a part thereof the plans and specifications for the work to be done thereunder, drawn and prepared in exact accordance with the plans and specifications adopted by the said Board of Supervisors under section five (5) hereof, which contract shall be executed on the part of the City and County of San Francisco by the Superintendent of Streets and Highways of said city and county; and said contract shall fix a term within which said work shall be done; and at the time of the execution of said contract, the person signing the said contract, and to whom the work therein described was awarded, shall execute and deliver to the City and County of San Francisco a bond payable to said city and county in the penal sum of at least double the contract price of said work, with two or more sufficient sureties, approved by the Mayor of said city and county, conditioned for the faithful performance of said contract within the time therein specified, and according to the terms and specifications thereof; and each and every of the contracts awarded under this Act shall contain an express proviso upon the part of the contractor therein that he will look solely to the means provided in this Act for the payment of all work done under said contract, and that he will in no event make any other charge or claim against said city and county for any part of said payment, except as may be herein provided, and execute and deliver to said city and county a release of all claims as against said city and county, for or on account of said contract, or the performance thereof.

Bond of contractor.

Express condition relating to payments.

Examination of completed work.

SEC. 22. Upon the completion of contracts for said improvements, the Superintendent of Streets and Highways of said city and county and the engineer appointed under the provisions of this Act shall examine the same as they are completed respectively, and if they have been done in accordance with the contracts, plans, and specifications therefor, and within the time required by the contracts therefor, they shall accept the same and report their acceptance thereof to the Board of Supervisors.

Assessments for benefits.

SEC. 23. After the contractor or contractors for doing the work of said improvement, or so much thereof as may be let out in any separate contract, has fulfilled his said contract and the same has been accepted as herein provided, the Commis-

sioners appointed by the County Court as hereinbefore provided shall make an assessment to cover the sum due for the work performed and specified in said contract or contracts (including the salary of the engineer and cost of printing and incidental expenses) upon the property found to be so benefited by the improvement under the ordinance of the Board of Supervisors and the report of said Commissioners as confirmed by said County Court. Said assessment shall be apportioned upon the property so found benefited in the same proportion as was by said confirmed report apportioned and assessed the value of the land therein described as taken for public use. On the completion of said assessment said Commissioners shall cause to be published, for ten days, in three daily newspapers published in said city and county, a notice of the completion of said assessment, and inviting all parties interested therein to examine the same, and for that purpose said assessment maps and valuation shall be open and exhibited to public inspection at the office of the said Commissioners for thirty days after the first publication of said notice. During said thirty days said Board may alter, change, or annul said assessment in any respect, but thereafter they shall complete the same in the form of a report and schedule, embracing the value of the said improvements and expenses, and the assessment of the amount of the same, as hereinbefore provided, upon the several parcels of land embraced within the benefited district, which report shall, at the expiration of said thirty days, be filed with the Clerk of said County Court, with proof of the publication of the notices aforesaid, together with a petition, signed by at least two of said Commissioners, praying for a confirmation of said report. On filing such petition and report to said Court, the Judge thereof shall assign some day, not more than thirty days thereafter, as the time when any objections to the confirmation of said report will be heard by said Court; and the Clerk of said Court shall cause to be published, for ten days, in three daily newspapers published in said city and county, a notice of the filing of said report, and of the day assigned for the hearing of any objections that may be made thereto; and any party interested therein may, at any time before the day assigned for the hearing thereof, file in said County Court his objections, in writing, to the confirmation of the same, specifying with particularity his objections, and all objections not so specified shall be deemed to be waived. Upon proof of the publication of the last mentioned notice, when the County Court is satisfied that all previous proceedings required by this Act have been taken, and the said Commissioners have in all respects performed their duties in regard to the intended improvement required by this Act, the said County Court shall have and take jurisdiction of said report and of the subject matter thereof, and of the persons of the owners of the property affected thereby as a special proceeding; and upon the day assigned for a hearing of objections thereto, and at such other time or times to which said hearing may be adjourned, the said Court may hear the allegations of the parties and the proofs adduced in support of the

Apportionment.

Publication of completed assessments.

Changes.

Objections.

Finding by the County Court.

Judgment
lien.

Appeals to
the
Supreme
Court.

Undertak-
ing on
appeal.

Judgment
roll.

Executions
for
collection
of
confirmed
assess-
ments.

Sheriff's
fees.

same, and after duly considering the same, may confirm said report, or change, alter, or modify the same, or cause the same to be changed, altered, or modified by said Commissioners, and then confirm the same as the justice and law of the case may require. Every judgment of confirmation shall be a lien upon such parcel of land described in said report of assessment for the amount respectively assessed against the same. Any parties who have filed objections to the confirmation of said report, who may be dissatisfied with the judgment of said Court rendered thereon, or the City and County of San Francisco, may appeal from said judgment of said County Court to the Supreme Court, and such appeal may be brought to a hearing in the same manner and upon like notice as appeals from District Courts to the Supreme Court. The amount of the undertaking to be given upon such appeal shall, upon the application of the appellant, be fixed by the County Judge, and such undertaking shall be made payable to the City and County of San Francisco, except when the appeal is taken by the said city and county, when no undertaking shall be required. For the purpose of such appeal the judgment roll of said proceeding in the County Court shall consist of the papers, affidavits, notices, and reports required by this Act to be filed with or given to the Clerk of said County Court, and the judgment of said Court rendered thereon, and said appeal shall be taken up and heard by said Supreme Court upon questions of law only. At any time after the confirmation of said report, the time for appealing from the same having expired, or said appeal having been taken and no undertaking having been given to stay proceedings therein, or said appeal having been disposed of by the affirmation of the judgment appealed from, the said Board of Supervisors may apply to said County Court, by the City and County Attorney, for an order or orders directing the issuance of executions or orders of sale for the collection of the confirmed assessments made for the purpose of raising the money for the payment of such improvement and expenses, and the Court shall order the same to be issued, and the same shall be collected by the Sheriff of said city and county as other executions or orders are provided to be collected by law or in equity; and the said Sheriff shall be entitled to receive the same fees from the defendants in said executions as he is entitled to by law in other cases, and the proceeds of the same, when collected, shall be paid by said Sheriff to the Treasurer of said city and county, who shall place the same to the credit of an account to be kept by him in the name of the improvement upon account of which it has been collected. At any time after the said Board of Supervisors would be entitled to ask of said County Court the issuance of said executions, any party who has been assessed for the payment of the lands taken for such improvement may pay the amount of his assessment to the Clerk of said County Court, who is thereupon directed to satisfy said judgment of confirmation as against the party so praying, and to forthwith pay said sum so received by him to the Treasurer of said city and county, who is hereby directed to place the same to the credit of said improvement as aforesaid. As soon as all of the assessments made and confirmed for the raising of the money for the

payment of the land taken for such improvement has been collected and paid to the Treasurer of said city and county, as hereinbefore provided, the Board of Supervisors, by its President and Clerk, shall draw its warrants upon the said Treasurer in favor of the contractor by whom the work was done, for the amount due him under his contract, and in favor of the parties having claims for the incidental expenses arising in the course of said work, including the engineering, and said warrants shall be paid on presentation to said Treasurer. If any of the said Commissioners shall die or resign before the completion of the payment for the improvements, or fail, after ten days' notice from the remaining Commissioner or Commissioners, to perform the duties herein required, the said County Court or the Judge thereof may appoint a successor or successors to such Commissioner or Commissioners, and such successor or successors may do and perform all the acts and things herein provided to be done by the Commissioners originally appointed.

Warrants
drawn in
favor of
contractors.

Vacancies
in office of
Commissioner.

SEC. 24. After the completion of the bulkhead referred to in this Act, and the dredging of the canal, directed to be done in section three of this Act, it shall be the duty of the Board of Supervisors to cause said bulkhead to be at all times kept in good repair, and said canal to be kept dredged to the depth specified in section three of this Act, and the expenses thereof shall be paid out of the General Fund of the City and County of San Francisco.

Dredging
and repairs

SEC. 25. Any person willfully damaging the said bulkhead or any portion thereof, or willfully obstructing the navigation of said canal or the channel thereof, or in any manner damaging said canal or the channel thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than three hundred dollars nor more than one thousand dollars, or by imprisonment, not less than thirty days nor more than ninety days, in the County Jail of the City and County of San Francisco.

Obstructions
and damages.

SEC. 26. This Act shall take effect immediately.

CHAPTER DCXXX.

An Act to repeal an Act entitled "An Act to aid the Mercantile Library Association of the City and County of San Francisco in paying its indebtedness," approved February nineteenth, eighteen hundred and seventy.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act entitled an Act to aid the Mercantile Library Association of the City and County of San Francisco in paying its indebtedness, approved February nineteenth, eigh-

Repealed. teen hundred and seventy, is hereby repealed; and all prosecutions and indictments now pending in the City and County of San Francisco for the violation of an Act entitled an Act to prohibit lotteries, raffles, gift enterprises, and other schemes of like character, approved April twenty-fourth, eighteen hundred and sixty-one, when the Acts constituting the crimes charged are the same as are approved and made lawful by the Act described in this section, are hereby dismissed.

Suits,
prosecu-
tions, and
indict-
ments
dismissed.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DCXXXI.

An Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-six, eighteen hundred and sixty-six, approved March the twenty-eighth, eighteen hundred and sixty-eight.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Act
applied.

SECTION 1. The provisions of the Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March the twenty-sixth, eighteen hundred and sixty-eight, are hereby repealed to that portion of Sacramento County included in Alabama, Cosumnes, and Dry Creek Townships.

SEC. 2. The provisions of said Act are hereby extended to that portion of Sacramento County lying north of the American River, except Mississippi Township.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DCXXXII.

An Act to provide for the location of tow paths along the banks of navigable streams.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authority
given.

SECTION 1. The Board of Supervisors of each county in the State may, when public convenience for the purpose of commerce requires it, cause to be located and opened a tow path, not exceeding ten feet in width, along the bank or banks of any navigable stream within the county.

SEC. 2. In order to locate and open such tow path, the same Viewers.
proceedings in regard to petition, Viewers, etc., shall be taken
as are now by law required to be taken in the respective
counties of this State for the purpose of locating and opening
public roads and highways.

SEC. 3. The owner or owners of any land over which a tow Water
path shall be located and opened, shall not be deprived of the frontage.
the water frontage nor of the free use and enjoyment of any land
so located, subject only to the right of the public to use the
same for the purposes of commerce.

SEC. 4. It shall not be necessary to construct or maintain Fences.
fences on either side of any tow path so located, but the Board
of Supervisors may make all necessary rules and regulations
for the government and management of tow paths, and may
provide for the erection of gates thereon and for the full and
complete protection of the property through which the same
passes.

SEC. 5. This Act shall take effect from and after its passage.

CHAPTER DCXXXIII.

*An Act to provide for the protection from overflow by Putah Creek
of certain lands in the Counties of Yolo and Solano.*

[Approved April 1, 1872.]

*The People of the State of California, represented in Senate and
Assembly, do enact as follows:*

SECTION 1. All that portion of the counties of Yolo and So- Yolo and
lano described as follows: Commencing at a point on the north Solano
bank of Putah Creek where the line between sections twenty- Canal
two and twenty-three, township eight north, range one east, District.
Mount Diablo meridian, intersects said Putah Creek; thence
due north to the southwest corner of section two, township
eight north, range one east; thence east on section line three
miles to the southeast corner section six, township eight north,
range two east; thence north one mile to township line; thence
east on township line two miles; thence north one mile; thence
east one mile; thence north one mile; thence east on United
States section lines five and one half miles to the center of
the south line of section twenty-two, township nine north,
range three east, Mount Diablo meridian; thence due south
in the center of the United States sections seven and one
half miles to the center of section thirty-four, township eight
north, range three east, Mount Diablo meridian; thence due
west in the center of the United States sections eleven and one
half miles to the center of the west line of section thirty-five,
township eight north, range one east, Mount Diablo meridian;
thence due north to the place of beginning, is hereby formed

into a district for the purposes of this Act, to be known as "Yolo and Solano Canal District."

Board of
Trustees.

SEC. 2. For the purpose of managing the affairs of said district, a Board of Trustees is hereby constituted; said Board of Trustees shall consist of three persons, each of whom shall be freeholders of said district; two members of said Board of Trustees shall be appointed by the Board of Supervisors of Yolo County, and one member shall be appointed by the Board of Supervisors of Solano County; said appointments to be made within thirty days after the passage of this Act. Within thirty days after their appointment, said Board of Trustees shall meet at some convenient place in said district and organize by the election of one of their number as President and another as Secretary. Said Board shall meet from time to time, and any

Powers.

two shall constitute a quorum for the transaction of business. The Secretary shall keep full and accurate minutes of all the transactions of the Board in a suitable book to be provided for that purpose; said minutes to be approved by the Board, and such approval noted by the President. Said Board of Trustees shall have power, for the protection of said district from overflow by the waters of Putah Creek, to cause to be made, constructed and excavated, a canal of suitable dimensions in said district, leading from at or near what is known as Pinas Ranch on said Putah Creek, to the low tule lands of Yolo County, and to construct all the floodgates, weirs, waste weirs, dams, and embankments, and make all the excavations necessary therefor; and shall have power to enter upon, use, and take possession of any and all land or lands necessary for such purpose or purposes, and generally to do any and all acts necessary for the protection of said district as aforesaid, including the clearing of the channel of said Putah Creek.

Engineer.

SEC. 3. Said Board of Trustees shall have power to employ a competent Engineer, and to prescribe his compensation. It shall be the duty of said Trustees, in connection with said Engineer, to agree upon proper plans and specifications for the doing of the work provided for in section one, and to make just and proper estimates of the expense thereof. Said Engineer and Board, in making said plans, specifications and estimates, shall divide the work into sections of not more than one half mile in length; but said sections may be made to conform to the boundary lines of the land owned by any party or parties, if practicable so to do.

Plans and
specifica-
tions.

SEC. 4. After agreeing upon and approving said plans, specifications, and estimates, as provided in section three, said Board of Trustees shall file copies thereof with the Boards of Supervisors of the Counties of Yolo and Solano, and said Boards of Supervisors shall immediately thereupon appoint, in the same manner as said Board of Trustees were appointed, three disinterested and competent persons as Commissioners, who shall view the lands, tenements, and improvements in said district, and shall assess upon the lands, houses, and real estate in said district such just and equitable amount upon each as will be proportionate to the whole estimated expense of the work and the amount of benefit to be derived therefrom by each, including in said assessment any and all parts of said district of railroad

Commis-
sioners,
their
powers and
duties.

companies, corporations, franchises, lands, houses, tenements, Same. and superstructure of any and every character which they adjudge will be benefited by said work, and which ought to bear a just proportion of the expense thereof, and to describe such lands, if part of any village, by street and lot, or division of lot, as laid down in any map thereof; or if not in such village, to refer to said lands by sections, half sections, quarter sections, or fractional sections, as laid down on the United States township maps, giving in each case the name of the owner, and describing each person's land, and if the owner is unknown designating such land to unknown owners; and said assessment shall be therefrom a lien on said property of all kinds as heretofore mentioned. Said Commissioners shall also award any damages to which the owner or owners of any property shall be entitled by reason of the construction of said work. Said Commissioners shall complete their labors and report fully, in writing, their award of damages, if any, and assessments, within thirty days after their appointment, giving as aforesaid a description of the property assessed, or damaged, with the name, if known, of the owner or owners, designating unknown owners, if any such there be—which report shall be signed by at least two of said Commissioners, and shall be filed with the Secretary of the Board of Trustees. Said Commissioners before entering upon their duties shall each take an oath of office in writing, which shall be filed with the Secretary of said Board of Trustees. Said Commissioners shall each receive a compensation of five dollars per day for every day actually and necessarily employed, not exceeding twenty days to each Commissioner. Compensation.

SEC. 5. Immediately upon receiving said list from said Commissioners said Board of Trustees shall give public notice that they will be in attendance, at a place and time specified, which shall not be less than five nor more [than] ten days from the date of such notice, to hear and determine any and all appeals from or objections to said assessment or award of damages. At the time and place appointed said Board shall meet and proceed immediately to hear and determine any and all such appeals, and for that purpose shall remain in session at least three days, and shall have the same power to issue subpoenas, enforce attendance, and preserve order during such hearing and determination as is possessed by County Courts; and shall, after said hearing, confirm said list, either as a whole or as they may modify the same. Objections and appeals.

SEC. 6. Upon the confirmation of the report of said Commissioners by said Board of Trustees, the said Board of Trustees shall immediately proceed to elect some good and reputable person, a resident of said district, as the Collector and ex officio Treasurer of said district; and said Collector shall give such bonds and receive such compensation as said Board of Trustees may determine. The said Board of Trustees shall cause a transcript of such confirmed report to be made out in the form used for county assessment rolls, except that such transcript shall only state in separate columns: Confirmation of report.

First—The names of all persons, corporations, and companies

Same. assessed, when known, and if not known, then the fact to be stated.

Second—The description of the land in respect to which they are assessed.

Third—The amount to which such persons shall respectively be assessed.

Fourth—The amount of damages, if any, to which such persons are respectively entitled by the award of said Commissioners.

Fifth—The amount of the excess, if any, to be collected. Which transcript shall be certified to by the Secretary of said Board of Trustees, and shall be forthwith delivered to the Collector of said district.

Collector. SEC. 7. The said Collector, upon receiving such transcript, shall give public notice of such fact by posting at least eight written or printed notices in said district, naming in said notice his office, and thereupon said assessments shall be due and receivable in gold or silver coin, and if not paid within thirty days thereafter, shall be deemed delinquent, and the Collector shall, within five days thereafter, return such transcript with all payments and delinquents plainly marked thereon, to the Board of Trustees, and said Board of Trustees shall, within ten days thereafter, bring suit in the name of the district for such delinquent assessments; said suits to be in the form of suits for debt, and shall be for the amount of such delinquent assessment and for all costs of suit.

Delinquents. Payment of claims. SEC. 8. All money or moneys collected under the provisions of this Act shall be paid to the Treasurer of the district, to be by him safely kept, and shall be paid out by said Treasurer upon warrants signed by the President and Secretary of said Board of Trustees for claims duly allowed by said Board of Trustees.

Contracts; advertising. SEC. 9. After the confirmation of the report of the Commissioners, as provided in section five, said Board of Trustees shall advertise for twenty days, by posting at least twelve written or printed notices in said district for proposals for doing the work decided on, according to the plans, specifications, and estimates aforesaid; the work so let, when completed according to the said plans, specifications, and estimates, to be paid for as provided in section eight. After the work, or any part thereof, is let to any contractor, any property owner in interest shall have the right to do the work upon his land by giving in writing to said Board of Trustees notice to that effect within five days after such letting to said contractor, and by giving the same amount of bonds required from such contractor. Said Board of Trustees shall have the power to reject any or all bids for doing said work, and to require such amount of bonds from the contractors as to them seems necessary.

Additional estimates. SEC. 10. The said Board of Trustees shall have the power at any time, if they deem the same necessary for the protection of said district, to make additional plans, specifications, and estimates, and levy and collect and disburse additional assessments, and let additional contracts for the repair or enlargement of said canal, or of any of the floodgates, weirs, waste weirs, dams, or embankments first constructed, or to erect new ones, or to

clear the channel of said Putah Creek, in the same manner as is provided in this Act for the doing of the same in the first instance.

SEC. 11. The Board of Trustees constituted by the provisions of this Act shall each hold office for four years, and their successors shall each be elected in like manner as the first Board was. Any vacancy shall be filled by the Board of Supervisors of the county which elected the person vacating the office. Term of office.

SEC. 12. This Act shall take effect from and after its passage; and all Acts and parts of Acts inconsistent herewith are hereby repealed.

CHAPTER DCXXXIV.

An Act to promote irrigation.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the owners of any body of lands susceptible of one mode of irrigation or drainage desire to irrigate or drain the same, they may present to the Board of Supervisors of the county in which the lands or the greater portion thereof are situated, at a regular meeting of the Board, a petition setting forth that they desire to adopt measures to irrigate the same, the description of the lands by legal subdivisions, the number of acres in the whole district, and the number of acres in each tract, with the names of the owners thereof and the names of three persons who may desire to serve as Trustees for the first three months. Petitions.

SEC. 2. The petition must be verified by the affidavit of one of the petitioners, and must be published for four weeks next preceding the hearing thereof, in some newspaper published in the county in which the lands are situated; or, if there is no newspaper published in the county, then it must be published in some newspaper having a general circulation in the county, and an affidavit of publication must be filed with such petition. Publication.

SEC. 3. When a district is situated partly in different counties, the Trustees must, after the petition has been granted, forward a copy thereof to the Clerk of the Board of Supervisors of each of the counties in which any portion of the district may lie, and the Board to which the same is forwarded must not allow another district to be formed within such district unless with the consent of the Trustees thereof. Districts.

SEC. 4. If the Board of Supervisors find upon the hearing of the petition that the statements are correct, and that no land is improperly included or excepted from the district, they must Approval of petitions.

note their approval on the petition, which approval must be signed by the President and attested by the Clerk; and from and after the approval the district is duly formed, and the persons named in the petition are the Trustees for the first three months, and until their successors are appointed.

Record. SEC. 5. The petition must then be recorded by the County Recorder in a book kept for the purpose.

Trustees. SEC. 6. After the approval of the petition, the petitioners may make such by-laws as they deem necessary for future appointment of Trustees and to effect the works of irrigation or drainage, keep the same in repair and operation, and for the control and management thereof, by the votes or consent of a majority of the owners of the lands within their district.

By-laws. SEC. 7. The by-laws adopted must be signed by persons owning a majority of the land within the district, and must be recorded by the County Recorder in the same book and immediately following the petition.

Powers of Trustees. SEC. 8. The Board thus formed have power to elect one of their number President thereof, and to employ engineers to survey, plan, locate, and estimate the cost of the works necessary for the irrigation, the water rights needed, and the land needed for right of way, including drains, canals, sluices, water gates, embankments, and material for construction, and to construct, maintain, and keep in repair all works necessary to the object in view.

Reports. SEC. 9. The Board of Trustees must report to the Board of Supervisors of the county, or if the district is in more than one county then to the Board of Supervisors of each county in which the district is situated, the plans of the work and estimates of the costs, together with estimates of the incidental expenses of superintendence, repairs, etc.

Assessments for benefits. SEC. 10. The Board by which the district was formed must appoint three Commissioners, disinterested persons, resident of the county in which the district or some part thereof is situated, and must view and assess upon the lands situated within the district a charge proportionate to the whole expense and to the benefits which will result from such works, which charge must be collected and paid into the County Treasury as hereinafter provided, and must be placed by the Treasurer to the credit of the district, and paid out for the work of irrigation or drainage upon the warrants of the Trustees, approved by the Board of Supervisors of the county.

Warrants. SEC. 11. The warrants drawn by the Trustees must, after they are approved by the Board of Supervisors, be presented to the Treasurer of the county, and, if they are not paid on presentation, like indorsement must be made thereon, and they must be registered in like manner as county warrants.

Payments. SEC. 12. If a district is situated partly in different counties, the charge must be paid into the Treasury of the county in which the particular tract may be situated.

Subsequent assessments. SEC. 13. If the original assessment is insufficient to provide for the complete irrigation or drainage of the lands of the district, or if further assessments are from time to time required to provide for the protection, maintenance, and repair of the works, the Trustees must present to the Board of Supervisors

by which the district was formed a statement of the work to be done and its estimated cost, and the Board must make an order directing the Commissioners who made the original assessment, or other Commissioners to be named in such order, to assess the amount of such estimated cost as a charge upon the lands within the district, which assessment must be made and collected in the same manner as the original assessment.

SEC. 14. The Commissioners appointed by the Board of Supervisors must make a list of the charges assessed against each tract of land.

SEC. 15. The list must contain:

First—A description, by legal subdivisions or natural boundaries, of each tract assessed.

Second—The number of acres in each tract.

Third—The names of the owners of each tract, if known, and if unknown, that fact.

Fourth—The amount of the charge assessed against each tract.

SEC. 16. The list so made must be filed with the County Treasurer of the county, or if the district is partly situated in different counties, then the original list must be filed in the county first in order under alphabetical arrangement, and copies thereof, certified by the Commissioner, must be filed with the Treasurer of each of the other counties. Certified copies.

SEC. 17. From and after the filing of the list, or certified copy thereof, the charges assessed upon any tract of land within the county constitutes a lien thereon. Lien.

SEC. 18. The lists thus prepared must remain in the office of the Treasurer for thirty days, or longer if ordered by the Board of Trustees, and during the time they so remain any person may pay the amount of the charge against any tract to the Treasurer, without cost. Time for payments.

SEC. 19. If at the end of thirty days, or of the longer time fixed by the Trustees, all of the charges have not been paid, the Treasurer must return the lists to the District Attorney, who must at once proceed by civil action to collect such charges. Collection by suit.

SEC. 20. The work must be executed under the direction and in the manner proscribed by the Board of Trustees. Work.

SEC. 21. The Board must keep accurate accounts of all expenditures, which accounts, and all contracts that may be made by them, are open to the inspection of the Board of Supervisors, and every person interested. Accounts.

SEC. 21. The Trustees may acquire, by purchase, all property necessary to carry out and maintain the system of irrigation or drainage provided for. Property.

SEC. 22. The Trustees may acquire by condemnation:

First—The right to the use of any running water not already used for culinary or domestic purposes, or for irrigating, milling, or mining purposes. Condemnation.

Second—The right of way for canals, drains, embankments, and other work necessary, and may take materials for the construction, maintenance, and repair thereof, from lands outside of as well as within the limits of the district.

Code of
Civil
Procedure. SEC. 23. The provisions of Title VII, Part III of the Code of Civil Procedure are applicable to, and the condemnation herein provided for must be made thereunder.

Individual
owners. SEC. 24. Whenever any district susceptible of one mode of irrigation or drainage is entirely owned by parties who desire to irrigate or drain the same, and to manage the irrigation or drainage without the intervention of Trustees or the establishment of by-laws, they may file the petition provided for in sections one and two, and must state therein that they intend to undertake the irrigation or drainage on their own responsibility.

Privileges. SEC. 25. If the petition is granted, the owners of the lands have all the rights, immunities, and privileges granted to Boards of Trustees, and in all proceedings the names of the owners may be used instead of the names of Trustees.

SEC. 26. This Act shall not be so construed as applying to the Counties of Fresno, Kern, Tulare, and Yolo.

SEC. 27. This Act, and the provisions of the Title of the Code of Civil Procedure herein referred to, so far as proceedings under this Act are to be had, shall be in force from and after the passage of this Act.

CHAPTER DCXXXV.

An Act to release the claim of the State of California to certain lands in Township Eleven North, Range Four East, Mount Diablo base and meridian.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Land
released
to the
United
States.

SECTION 1. The State of California releases to the United States and to all parties claiming under the United States, all those parcels of land lying in township eleven (11) north, range four (4) east, Mount Diablo base and meridian, and described as the southwest quarter of the southwest quarter (S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$) of section three (3); the southeast quarter of the southeast quarter (S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$) of section four (4); the east half of section nine (9); the south half (S. $\frac{1}{2}$); the south half of the northwest quarter (S. $\frac{1}{2}$ of N. W. $\frac{1}{4}$) and the northwest quarter of the northwest quarter (N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$) of section ten (10); the southwest quarter (S. W. $\frac{1}{4}$) and the south half of the northwest quarter (S. $\frac{1}{2}$ of N. W. $\frac{1}{4}$) of section fourteen (14); all of section fifteen (15); the north half of section seventeen (17); the north half (N. $\frac{1}{2}$) of section twenty-one (21) and the southeast quarter (S. E. $\frac{1}{4}$) of section twenty-one (21); all of section twenty-two (22); the west half (W. $\frac{1}{2}$) of section twenty-three (23); the west half of southwest quarter (W. $\frac{1}{2}$ of S. W. $\frac{1}{4}$) of section twenty-six (26); all of section twenty seven (27); the

west half of the west half (W. $\frac{1}{2}$ of W. $\frac{1}{2}$) of section thirty-five (35) and the northeast quarter (N. E. $\frac{1}{4}$) of section six (6).

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DCXXXVI.

An Act to repeal an Act entitled an Act authorizing the condemnation of private property within the limits of the Laguna Survey, approved March twenty-fifth, eighteen hundred and seventy, and to provide for the payment of the expenses incurred under said Act.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act entitled an Act authorizing the condemna- Repealed.
tion of private property within the limits of the public streets
of the City and County of San Francisco, within the Laguna
Survey, approved March twenty-fifth, eighteen hundred and
seventy, is hereby repealed, and the City and County Attorney
of said City and County of San Francisco is hereby directed,
within ten days after the passage of this Act, to file in the
County Court of the City and County of San Francisco his
petition reciting the passage hereof, and praying said Court to
order the proceedings now pending in said Court for a confirma-
tion of the report made by the Commissioners in pursuance of Confirma-
tion of
report.
the provisions of the Act hereby repealed to be dismissed, and
the said order shall be made by said Court upon satisfactory
proof of the enactment hereof.

SEC. 2. The now acting Commissioners under the Acts and Duty of
Commis-
sioners.
ordinances hereinbefore mentioned, shall, within ten days after
the passage of this Act, prepare a schedule, which shall contain
a correct list of all warrants or certificates issued by said Com-
missioners for rents, labor, services of reporters, clerks, wit-
nesses, draughtsmen, experts, surveys, maps, printing, station-
ery, furniture, counsel or attorney fees, and all other incidental
expenses which shall have been rendered or incurred under or
by said Commissioners under said Act or ordinances. Said
schedule shall state the name of the person or persons to whom
such warrants and certificates shall have been issued, and the
nature of the service, claim, or demand, and the amount for
which the same was issued, and shall be signed and verified by
the oath of the Commissioners, to the effect that they believe
the same to be a just and correct statement; that the several
amounts therein set forth are justly due to each of the persons
or firms named in such schedule. Said schedule and oath shall
be presented to the County Court of said city and county and
filed in the office of the Clerk of said Court. Immediately on
filing the same, the Clerk of said Court shall give notice of
said filing to the City Attorney of said city and county, and the

Allowance
by County
Court.

Determina-
tion to be
made in
writing.

Payments.

What may
be allowed
and paid.

Levy and
collection
of special
tax.

County Court shall fix a day and hour at the Court room thereof, which shall not be more than ten days after such filing, to hear objections to the allowance of the items and amounts contained in such schedule. So many or such portions of said items and amounts as shall be proven to the satisfaction of the County Judge of said city and county to be correct and to have been lawfully incurred, and to have been authorized by said Acts and ordinances named in section one of this Act, shall be allowed by said County Court. The City Attorney, or any person or persons interested, may offer proof before said County Judge, and the County Judge himself may also summon any person or persons to appear before him to testify in relation to the items and amounts contained in such schedule. The claimants and persons named in such schedule may introduce counter proof or evidence, and after hearing said proof or evidence, the County Judge of said city and county shall reject, allow, change, or modify the amounts enumerated in said schedule. Said County Court may adjourn the hearing from day to day, not exceeding thirty days. Said Court shall, as early as practicable after the evidence shall be closed, make its determination in writing, specifying the sums by it allowed to the persons and for the items in said schedule, and shall cause a certified copy thereof to be delivered to the Auditor and Treasurer of said city and county, and the Treasurer, without further auditing thereof, and upon the surrender to him of the warrants and certificates issued by the Commissioners, shall thereupon, as soon as there shall be sufficient money in the General Fund in the City and County Treasury, pay to the persons or to the assigns of the persons named in such determination, the respective amounts, in gold coin, as aforesaid allowed to each by such determination. Any person in whose favor an allowance shall be made by said County Court or the assignee of such person, shall file with the said Treasurer the warrant which was issued to him by said Commissioners. If there is any assignment or transfer on said warrant, the assignee thereof may file the same with said Treasurer and be entitled to receive from the said Treasurer the sum allowed said assignee and evidenced by said warrant.

SEC. 3. No allowance or compensation shall be made or paid to any person for rents, labor, services, reporting, clerk hire, witnesses, draughtsmen, experts, surveys, maps, printing, stationery, counsel fees, attorney fees, or other incidental expenses under this Act, or under said Act entitled as aforesaid, or under said ordinances of the Supervisors of said city and county, unless the same were rendered prior to the passage of this Act.

SEC. 4. The Board of Supervisors and other municipal officers of the said City and County of San Francisco shall, immediately after the County Court shall have made its determination, in writing, specifying the amounts allowed by it to the persons, and for the items mentioned in the Commissioners' schedule, as provided in section two of this Act, proceed to levy and collect, in gold coin, in the same manner as other State and municipal taxes are levied and collected, a tax sufficient to pay the warrants hereinafter mentioned, and interest thereon, and all other sums of money allowed by said County Court, together with interest thereon at the rate prescribed by

existing laws, or the ordinances of the City and County of San Francisco. Said tax shall be levied and collected at the same time the State and municipal taxes of the year eighteen hundred and seventy-two and eighteen hundred and seventy-three are levied and collected, and the moneys derived therefrom shall be paid into the General Fund of the City and County of San Francisco.

SEC. 5. All warrants which have been or shall be drawn by the Commissioners who have acted under the Act and ordinances in this Act before mentioned, for the compensation of said Commissioners, which have been or shall be approved and certified by the County Judge of the City and County of San Francisco, shall be paid in United States gold coin, according to the tenor thereof, without further auditing, out of the General Fund of the Treasury of the City and County of San Francisco, as soon as there shall be sufficient money in said Fund to pay the same derived from the tax levied and collected as aforesaid. Immediate payments.

SEC. 6. All books, estimates, maps, plans, surveys, and all papers accumulated by and in the possession of said Commissioners, shall, after the passage of this Act, be deposited with the County Recorder of said city and county, and be by him safely kept until otherwise directed by the Board of Supervisors of said city and county. All other personal property in the possession of said Commissioners pertaining to the duties of their office, and not specified herein, shall be sold upon the order or resolution of the Board of Supervisors of said city and county, and the proceeds thereof deposited with the Treasurer of said city and county, and by him placed to the credit of the General Fund. Disposal of personal and other property.

SEC. 7. Nothing in this Act shall be construed to legalize any act of said Commission not otherwise lawful.

SEC. 8. This Act shall take effect from and after its passage.

CHAPTER DCXXXVII.

An Act to protect the wages of labor and the salaries and fees of subordinate officers.

[Approved April 1, 1872.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person who employs laborers upon the Felony. public works, and who takes, keeps, or receives any part or portion of the wages due to such laborers from the State or municipal corporation for which such work is done, is guilty of a felony.

Felony.

SEC. 2. Every officer of the State or any county, city, or township therein, who keeps or retains any part or portion of the salary or fees allowed by law to his deputy, clerk, or subordinate officer, is guilty of a felony.

SEC. 3. This Act shall be in force from and after its passage.

RESOLUTIONS.



CONCURRENT AND JOINT RESOLUTIONS.

NUMBER I.—*Senate Concurrent Resolution.*

[Adopted March 14, 1872.]

WHEREAS, There were, prior to March third, eighteen hundred Preamble.
and sixty-three, between two and three hundred preemption
settlers on the lands known as "Suscol Rancho," lying in the
Counties of Napa and Solano, in the State of California; and
whereas, they entered upon said lands, claiming the same as
"preemptions," under the general preemption laws of the
United States; and whereas, it was at the instance of said
settlers, or many of them, that action was taken by the
United States Government to resist the claims of M. G. Val-
lejo to said land, and by their constant efforts and the money
advanced by them to obtain and prepare testimony, and pay
large sums for the professional services of distinguished attor-
neys, the said grant was finally rejected by the Supreme
Court of the United States, in the month of February, eighteen
hundred and sixty-two; and whereas, they paid to the United
States Surveyor General the requisite expenses of surveying
said land for the Government, and erected buildings thereon,
cultivating the same, proving up their claims in the Land
Office, and prosecuting the same before several interior Courts,
and finally before the Supreme Court of the United States, to
test the validity of the Vallejo claimants under the special
Act of Congress passed March third, eighteen hundred and
sixty-three; and all this they did by the advice of counsel,
and believing that they were legally entitled to said lands
under the preemption laws of the United States; and whereas,
in consequence of their success in defeating the Vallejo claim
said land was adjudged to be public land of the United States,
that the same was sold to the Vallejo claimants, and yielded
to the Government of the United States large sums of money;
therefore, be it

Resolved by the Senate, the Assembly concurring, That our
Senators in Congress be instructed and our Representatives
requested to secure, if possible, the passage of an Act appro-
priating, under proper regulations, a sum of money sufficient in

Reim-
bursement
of settlers.

amount to reimburse said settlers for the damages sustained by them and for their actual expenses in said litigation.

Resolved, That the Governor be requested to forward a copy of this preamble and resolutions to our Senators and Representatives in Congress.

No. II.—*Assembly Concurrent Resolution No. 26.*

[Adopted March 20, 1872.]

Printing in
Spanish.

Resolved by the Assembly, the Senate concurring, That the State Printer be and he is hereby required to print into Spanish five hundred copies each of the inaugural address of Governor Booth and the second biennial message of Governor H. H. Haight, already translated into Spanish by the State Translator, and the same be distributed pro rata, by the Sergeants at Arms of both Houses of the Legislature, among its members.

No. III.—*Assembly Concurrent Resolution No. 34, relative to authorizing and directing the State Printer to print one thousand copies of the annual report of the transactions of the State Medical Society.*

[Adopted March 28, 1872.]

Transac-
tions of
State
Medical
Society.

Resolved by the Assembly, the Senate concurring, That the State Printer be and he is hereby authorized and directed to print one thousand copies of the annual report of the transactions of the State Medical Society for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three; *provided*, the cost thereof shall not exceed six hundred dollars per annum.

No. IV.—*Senate Concurrent Resolution No. 49.*

[Adopted March 26, 1872.]

Report of
Commissioner in
Lunacy.

Resolved by the Senate, the Assembly concurring, That the report of the Commissioner in Lunacy be distributed in the following manner: that one thousand copies be sent to the public libraries in the City of San Francisco; one thousand copies to the Superintendent of the Insane Asylum at Stockton; one thousand copies to be forwarded by the Secretary of State to such persons and institutions as the Commissioner may direct; and that the remaining copies—five hundred copies of which

shall be bound by the State Printer—be kept by the State Librarian to supply future demands.

No. V.—*Senate Concurrent Resolution No. 48.*

[Adopted March 22, 1872.]

Resolved by the Senate, the Assembly concurring, That the Governor be and he is hereby authorized and requested to appoint three Commissioners, who, without compensation or expense to the State, shall represent the State of California at the International Exposition to be held in the City of Vienna during the year eighteen hundred and seventy-three. The duty of said Commissioners shall be to facilitate, so far as practicable, the exhibition at said Exposition by citizens of California of any of the products or manufactures of the State.

International
Exposition
at Vienna.

No. VI.—*Senate Concurrent Resolution No. 9.*

[Adopted April 1, 1872.]

WHEREAS, An application is now pending before the Congress of the United States for an increase of the ocean mail steamship service between San Francisco, and Japan and China, from a monthly to a fortnightly service, of one million of dollars in support thereof; and whereas, we, the Legislature of the State of California, are desirous of promoting the commercial prosperity of our State, the increase of our traffic with the opulent and overflowing markets of Asia, and the consequent enlargement and enrichment of our national commerce, therefore be it

Preamble.

Resolved by the Senate, the Assembly concurring, That we do hereby earnestly solicit the Congress of the United States to grant said proposed increase of said ocean mail steamship service, and said annual subsidy of one million of dollars in aid thereof; and we do hereby instruct our Senators and request our Representatives in the Congress of the United States to use their best endeavors to procure the immediate passage of a Federal statute effectuating these objects.

Ocean mail
steamship
subsidy.

No. VII.—*Senate Concurrent Resolution No. 36.*

[Adopted March 1, 1872.]

Preamble. WHEREAS, the Congress of the United States did, on the twenty-seventh of July, eighteen hundred and sixty-one, pass the following Act, to wit: Be it enacted, etc., That the Secretary of the Treasury be and he is hereby directed, out of any money in the Treasury not otherwise appropriated, to pay the Governor of any State, or his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury; and whereas, it is believed that under this Act a considerable sum of money is due from the General Government to the State of California; therefore, be it

Governor
authorized
to contract.

Resolved by the Senate, the Assembly concurring, That the Governor be authorized to contract with the agents, to be appointed in accordance with the provisions of the Act referred to, that their compensation for services rendered under said Act shall not exceed in the aggregate ten per cent of the moneys collected and paid to the State; *provided*, that the State shall in no event become liable for any expenses, fees, or salaries, of any nature whatever, other than such contingent commission.

No. VIII.—*Assembly Joint Resolution No. 27, asking Congress to reserve public lands in California for actual settlers only, under the homestead and preëmption laws, and for a more rapid extension of the surveys of public lands in this State.*

[Adopted March 14, 1872.]

Preamble. WHEREAS, The operation of the land laws of the United States in this State, permitting the sale of surveyed public lands by private entry, and their location with scrip and warrants of various kinds, has resulted in a monopoly of many large tracts, in advance of settlement, by speculators who hold them without improvement, retarding the development of this State, increasing the cost of settlement, and diminishing the inducements to immigration; and, whereas, in many other parts of this State the settlements are far in advance of the Government surveys, whereby the settlement of titles to the land thus occupied is delayed and the possession thereof rendered uncertain and insecure, and further settlement and cultivation retarded and discouraged; therefore,

Resolved by the Assembly, the Senate concurring, That our Senators be instructed and our Representatives in Congress requested to urge upon Congress and use all due effort to secure the passage of an Act reserving all public land in this State not yet disposed of, for disposition to actual settlers only, under the homestead and preemption laws, and also to procure increased appropriations for the speedy extension of the Government surveys over the unsurveyed portion of this State.

Reserva-
tion of
public land
to actual
settlers.

Resolved, That the Governor be requested to forward a copy of this resolution to the President of the United States, and a copy to each of our Senators and Representatives in Congress.

No. IX.—*Assembly Joint Resolution No. 20.*

[Adopted March 30, 1872.]

WHEREAS, By Act of Congress approved March third, eighteen hundred and seventy-one, the City of San Diego is designated as the western terminus of the Texas Pacific Railroad Company, chartered by said Act; and whereas, the geographical location of the said city, situate as it is in the southwestern corner of the United States, and at the very boundary line of the Mexican Republic, imperatively demands that this port, for safety and capacity not excelled by any on this coast, and in point of importance inferior only to San Francisco Harbor, be provided with the necessary fortifications, outworks, and coast defenses; therefore be it

Preamble.

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence in securing at an early day such appropriation from Congress as will be sufficient to enable the respective Department to proceed forthwith in commencing the construction of such forts, batteries, and other works of coast defense as may be required for the proper and efficient protection of said Harbor and City of San Diego.

Fortifica-
tions at
San Diego.

Resolved, That his Excellency the Governor, be and is hereby requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

No. X.—*Senate Joint Resolution No. 5.*

[Adopted March 9, 1872.]

Preamble. WHEREAS, the development of the agricultural resources of this State will largely contribute to its prosperity and welfare, and induce immigrants from foreign countries to settle on its soil and make this State their permanent home; and whereas, it is deemed necessary that industrial enterprises connected with agriculture should, especially in their infancy, be protected by the tariff on such merchandise which are and may be produced and manufactured by home industry; and whereas, amongst such industrial enterprises the culture of the chicory root, and the manufacture of the chicory flour therefrom, promises to become an important branch of industry in the State of California, giving employment to many diligent hands, and adding largely to the revenue of this State; and whereas, the contemplated reduction of the duty on chicory flour imported from foreign countries will prove to be detrimental to the production or manufacture of chicory flour in the State of California; be it hereby

Duties on
chicory.

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives in Congress requested to use all honorable means that the duty on chicory flour imported from foreign countries be not reduced, thereby protecting home production and manufacture; also,

Resolved, That His Excellency Governor Newton Booth be hereby requested to forward a copy of this resolution to our Senators and Representatives in Congress.

No. XI.—*Senate Concurrent Resolution No. 8.*

[Adopted March 28, 1872.]

Preamble. WHEREAS, The present weekly and tri-weekly mail service from Grafton, Yolo County, by way of Prairie, Antelope, Spring Valley, Colusa, to Princeton, Colusa County, a route number —, and from Princeton, Colusa County, by way of Jacinto, St. Johns, and Merrill's Ranch, to Tehama, Tehama County, a route number —, is insufficient to meet the demands of the population residing in the section of country traversed by these routes; and whereas, the fast increase of population and business requires a daily mail service over these routes; therefore

Daily mail
service.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence to obtain the passage of an Act increasing the mail service over the routes described in the preamble from a weekly and tri-weekly to a daily service.

Resolved, That his Excellency, the Governor, be requested to transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

No. XII.—*Assembly Joint Resolution No. 33, authorizing the Controller to deliver to James E. Hale and Thomas M. Nosler certain original vouchers and papers now on file in his office.*

[Adopted March 25, 1872.]

The People of the State of California, represented in Senate and Assembly, do resolve as follows:

Resolved, That the Controller of the State of California be and he is hereby authorized to deliver to James E. Hale and Thomas M. Nosler, or their authorized agents or attorneys, all of the original vouchers, certificates, and papers of every kind and nature relative to the claim of the State of California against the Government of the United States for costs, charges, and expenses properly incurred by the State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection and rebellion of the Southern States against the Government of the United States. And be it further

Resolved, That said Controller shall prepare and take from said parties a receipt, in writing, bound in a book such as he keeps in his office for all of such papers, and which shall show what the paper is in each case, the date thereof, by what Board of Examiners passed, the amount and date of his warrant, and in whose favor drawn.

No. XIII.—*Assembly Joint Resolution No. 19, relative to extending the time of payment for public lands.*

[Adopted March 14, 1872.]

WHEREAS, By virtue of a joint resolution adopted by the Senate and House of Representatives of the Forty-first Congress, settlers on public lands of the United States are required to make proof of settlement and payment for their lands by July fourteenth, eighteen hundred and seventy-two; and whereas, the failure of the crops and injuries to the farming population of this State arising from two consecutive dry seasons render it impossible for many actual settlers to make such payments for their lands at the time specified; therefore

Extension
of time on
land
payments.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives be requested to use their influence to secure the adoption of a joint resolution extending the time of payment for public lands in this State occupied by actual settlers under the preemption laws of the United States to July fourteenth, eighteen hundred and seventy-three; and be it further

Resolved, That his Excellency, Governor Newton Booth, be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions immediately.

No. XIV.—*Assembly Joint Resolution No. 26.*

[Adopted March 11, 1872.]

Preamble. WHEREAS, The grape growing and wine making interest of California is now the third most important branch of agriculture in this State, and although comparatively in its infancy as yet, it already embraces a permanent investment of over thirty million dollars capital, and if properly fostered and encouraged and not oppressed or restricted by adverse legislation, either State or national, it bids fair to exceed in value any other agricultural interest in the State within the next three years; and whereas, the existing internal revenue law of the United States, although greatly modified in its exactions and provisions and simplified in its workings (as it applies to the distillation of brandy from grapes and other fruits) within the past two years, still works onerously and unjustly to the fruit distilling interest of the Pacific Coast in the following particulars, viz: First, inasmuch as the brandy distilled from grapes and other fruits is debarred the right of "drawback" as was allowed by law to other alcoholic spirits made here and shipped for consumption to a foreign country, the fruit distiller of California is unable to compete in price with the manufacturers of France and other countries in the foreign markets of Mexico, South America, British Columbia, China, Japan, and the islands of the Pacific, which markets, by reason of their proximity and the facility of cheap transportation, would naturally be supplied from the Pacific Coast but for the onerous burden imposed by denial of said privilege of "drawbacks;" second, the present warehouse system is inapplicable to the fruit distilling interest, because of its being so complicated and expensive. In lieu of that system, as now established, so far as the same applies to fruit distillers, the law should require that the spirits so distilled from grapes or other fruits shall be gauged on or before the thirtieth of April of each year, that being the close of the distilling season and the end of the licensed year. After being gauged, the liquor should be allowed to remain upon the premises under charge of the manufacturer, upon his giving a good and sufficient bond to the Government, to be approved by the

United States Assessor of the district, that he will pay the Preamble. tax upon the same within two years from the date of gauging, or sooner if removed from the premises; third, another hardship in the requirements of the revenue law as it now exists is the "barrel tax," which operates oppressively by preventing the working up of material from small vineyards or the doing of custom work for those who are unable to own their own stills, and thereby greatly lessening the annual yield of spirits from which the Government should derive revenue; fourth, under the law as it now exists, the distiller who adds a particle of grape, sugar, or other saccharine matter for coloring purposes to his brandy, becomes, in the eye of the law, a rectifier, and is compelled to take out a rectifier's license, at great trouble and expense, or suffer arrest and confiscation of his property; whereas, in point of fact, the sugar so added is a necessity to complete the manufacturing process, and is not intended to be nor is it in any degree a rectifying process as understood by chemistry or commerce, and without its addition the spirits made would have no recognition as brandy in the market, but be reckoned simply as crude or raw spirits; therefore,

The People of the State of California, represented in Senate and Assembly, do resolve as follows:

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to lay the facts set forth in the preceding preamble before that body, and earnestly endeavor to obtain through Congress such relief and modification of the workings of the internal revenue law as applied to fruit distilling, as is set forth in the foregoing preamble. Internal revenue law.

Resolved, That his Excellency, Governor Booth, be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

No. XV.—*Memorial and Joint Resolution No. 16.*

[Adopted March 25, 1872.]

This Memorial of the Legislature of the State of California to the Congress of the United States respectfully represents:

That the occupation of Hoopa Valley, situated in Klamath Preamble. County, and also Round Valley, Mendocino County, in this State, as an "Indian Reservation," was, at the time it was made, a necessity, in consequence of a war with a party of the Hoopa Valley Indians, and at that time the hostile Indians were gathered on this reservation; since then, however, most of them have passed away, and those remaining (a large majority of whom have been brought there from abroad) are peace-

Preamble. able and well disposed, precluding any further necessity for continuing such valley as an Indian Reservation, either for the protection of settlers or the benefit of the above named tribe; furthermore, the Klamath River, which runs through the county and empties into the Pacific Ocean, from its mouth to a point thirty miles into the interior flows through more tillable lands (which are also more productive) than those lying in Hoopa Valley. These lands are in small tracts, on alternate sides of the river, and are, for that reason, most advantageous for Indian cultivation, and possess the additional advantages of being isolated from all public highways and not conflicting with the interests of the white inhabitants. Klamath River, at its mouth, abounds in fish of many kinds, and other resources from which the Indians can lay up large stores of provisions. The above named Indian Reservation now embraces this part of the river, but the present agency in Hoopa Valley is too distant therefrom to exert any influence over the resident Indians there, or be of any protection to Government mails or travel along the coast. An agency, and a small "military post," located at or near the mouth of the Klamath River, would better subserve the public good, both in point of economy and national benefit, and the amount of land proposed to be set aside will be amply sufficient for the necessities of the Indians assigned to be located therein. It is desirable, therefore, to remove the agency from its present locality, where it is expensive and is not any longer necessary, to a point where it is required, and where it can be more economically carried on. This removal, also, would open for settlement and cultivation a rich valley; therefore, be it

Hoopa
Valley
Indian
Reserva-
tion.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence to the end that Hoopa Valley may be abandoned as an Indian Reservation, and the agency and military post now located thereon be removed to some point as near the mouth of Klamath River as practicable; and further, that the lands in Hoopa Valley be laid open for sale to settlers at as early a day as possible.

Resolved, That his Excellency, the Governor be requested to forward a copy of this memorial and these resolutions to each of our Senators and Representatives in Congress.

Preamble. AND WHEREAS, it has recently been ordered by the President of the United States that the boundaries of the reservation now occupied for Indian purposes in Round Valley, Mendocino County, shall be so extended as to include the entire valley within the limits of said reservation; and whereas, there are not now more than six hundred Indians at and belonging to said reservation, which now occupies an area of about five thousand acres of good agricultural land, producing a surplus of grain greatly in excess of the quantity consumed by the Indians, there having been sold during the last year by the Superintendent over ten thousand bushels of grain, leaving still a large surplus on hand, making it entirely unnecessary to enlarge the said reservation for Indian subsistence; and whereas,

the increase of the boundaries of said reservation as proposed Preamble.
by the Indian Department would include more than one hundred preemption settlers, owning property and improvements of an assessed value of over two hundred and fifty thousand dollars, with a population of five hundred, two stores, two schools, eighty children attending school, and one village of seventy-five inhabitants, all of said settlers having resided upon their claims for the last ten or fifteen years without protest from the Indian Department, and in perfect quiet and harmony with the Indians on the reservation; and whereas, to take possession of said territory beyond the limits now occupied for Indian purposes, and oust the settlers residing thereon without compensation for their property, and not in any manner required for the use or benefit of the Indians, would be an unqualified outrage and wrong, without a single argument to support it, as the Indians are now amply provided for; therefore,

Resolved, That our Representatives be requested and our Round
Valley
Indian
Reserva-
tion.
Senators are hereby instructed to take immediate steps to arrest this unwarranted and wholly unnecessary attempt to interfere with and impede the settlement and improvement of this large and populous district of country, and protect from outrage and wrong a large settlement of quiet, industrious, and law-abiding citizens.

No. XVI.—*Assembly Concurrent Resolution No. 31, recommending pardon of certain criminals.*

[Adopted March 30, 1872.]

WHEREAS, The Joint State Prison Committee, by their officers, Preamble.
have reported to the Legislature the names of the following persons, confined in the State Prison, as being in their judgment entitled to be set at liberty, said report having been made in accordance with the provisions of an Act approved March ninth, eighteen hundred and sixty-eight, now therefore

Resolved, by the Assembly, the Senate concurring, That the Pardons.
Governor be requested and recommended to pardon the said following named prisoners:

Four thousand six hundred and fifty-seven, George O'Connor, sent from San Francisco in eighteen hundred and seventy-two, manslaughter, ten years; Thomas Lloyd, of San Francisco, murder in the second degree, ten years; John Benson, sent from Calaveras in eighteen hundred and seventy, assault to rape, two years; Solomon W. Sonedecker, sent from San Mateo in eighteen hundred and seventy one, manslaughter, ten years; Martin Noon, manslaughter, ten years; four thousand seven hundred and eight, George Thompson, sent from Yuba County in eighteen hundred and seventy-one, burglary and arson, second de-

Pardons. gree, three years; four thousand and fifty, Francis Callahan, sent from Klamath County in eighteen hundred and sixty-nine, assault to murder, seven years; four thousand nine hundred and thirty-six, Michael Frender, sent from Alameda County in eighteen hundred and seventy-one, murder, second degree, fifteen years; four thousand two hundred and thirty-three, Robert Francis, sent from Plumas County in eighteen hundred and sixty-nine, murder, second degree, fifteen years; four thousand seven hundred and fifty-nine, Thomas Haley, sent from San Francisco in eighteen hundred and seventy-one, robbery, fifteen years; four thousand seven hundred and eighty-five, William Pierce, sent from Sacramento in eighteen hundred and seventy-one, burglary, ten years; four thousand nine hundred and fifty-four, Wesley Hess, sent from Santa Clara County in eighteen hundred and seventy-one, grand larceny, three years; three thousand nine hundred and seventy-three, Charles Jones, sent from Butte County in eighteen hundred and sixty-seven, robbery, eight years; four thousand five hundred and fifty-seven, James Taylor, sent from San Francisco in eighteen hundred and seventy, robbery, ten years; four thousand and forty-six, Peter Quigley, sent from Sacramento in eighteen hundred and sixty-nine, murder, second degree, thirteen years; three thousand nine hundred and forty-two, W. H. Warren, sent from Sacramento in eighteen hundred and sixty-eight, murder, second degree, twenty years; four thousand nine hundred and ninety, Norman J. Thompson, sent from Humboldt County in eighteen hundred and seventy-one, assault, deadly weapon, one year; three thousand six hundred and thirteen, H. C. T. Rotger, sent from Mariposa County in eighteen hundred and sixty-seven, murder, second degree, ten years; four thousand seven hundred and four, Kate Murphy, sent from Sonoma County in eighteen hundred and seventy-one, arson, five years; four thousand four hundred and twenty-one, Charles Haley, sent from San Francisco in eighteen hundred and seventy, burglary, seven years; three thousand five hundred and fifty-five, Frank Steinman, sent from Placer County in eighteen hundred and sixty-seven, murder, second degree, twenty-five years; three thousand eight hundred and eighty-four, Eli Hanna, sent from Nevada County in eighteen hundred and sixty-eight, murder, second degree, twenty-five years; four thousand five hundred and fifty-one, John Hauser, sent from Santa Clara County in eighteen hundred and seventy, murder, second degree, twenty-five years; four thousand eight hundred and seventy, Thomas Corcoran, sent from Sacramento in eighteen hundred and seventy-one, arson, second degree, two years; four thousand five hundred and sixty-four, George Lowry, sent from San Diego in eighteen hundred and seventy, robbery, five years; three thousand seven hundred and sixty-two, A. E. Manning, sent from San Francisco in eighteen hundred and sixty-eight, attempt to mayhem, thirteen years; four thousand four hundred and one, Thomas K. Hays, sent from Tehama County in eighteen hundred and seventy, manslaughter, six years; four thousand three hundred and thirty-seven, Alexander P. Manor, sent from Yolo in eighteen hundred and seventy, burglary, five years; four thousand three hundred and ninety-nine, John M. May, sent from Yolo in

eighteen hundred and seventy, kidnapping, four years; three Pardons. thousand five hundred and sixty-five, Augustus Tomeo, sent from Nevada County in eighteen hundred and sixty-seven, assault to rape, ten years; four thousand five hundred and forty, John Shaw, sent from Santa Cruz in eighteen hundred and seventy, assault to murder, four years; three thousand eight hundred and eighty-one, Walter C. Rhuefell, sent from San Bernardino in eighteen hundred and sixty-eight, grand larceny, five years; four thousand five hundred and thirty-eight, F. W. Voll, sent from San Francisco in eighteen hundred and seventy, manslaughter, eight years; two thousand five hundred and seventy-four, J. W. Drisdorn, sent from Amador County in eighteen hundred and sixty-three, murder, second degree, fifteen years; two thousand six hundred and eight, Louis Antonio, sent from Calaveras in eighteen hundred and sixty-three, grand larceny, ten years; two thousand six hundred and eighty-three, D. C. Parks, sent from Calaveras in eighteen hundred and sixty-four, grand larceny, ten years; two thousand three hundred and seventy-four, Charles Denman, sent from Sacramento in eighteen hundred and sixty-two, arson, first degree, fifteen years; two thousand seven hundred and fifty-three, Thomas Eckholm, sent from El Dorado in eighteen hundred and sixty-four, murder, second degree, for life; one thousand four hundred and one, Peter Metz, sent from Sacramento in eighteen hundred and fifty-eight, murder, second degree, for life; two thousand six hundred and fifty-four, Ramon Alvitre, sent from Los Angeles in eighteen hundred and sixty-three, grand larceny, twelve years; two thousand six hundred and fifty-five, Lucio Alvitre, sent from Los Angeles in eighteen hundred and sixty-three, grand larceny, twelve years; two thousand four hundred and ninety-two, Ramon Romero, sent from Sacramento in eighteen hundred and sixty-two, murder, second degree, twelve years; two thousand eight hundred and seventeen, Ah Shim, sent from San Francisco in eighteen hundred and sixty-four, murder, second degree, for twenty years; three thousand one hundred and sixty-four, Thomas Boswell, sent from Tehama in eighteen hundred and sixty-five, murder, second degree, life; three thousand three hundred and forty, Milton S. Price, sent from Nevada County in eighteen hundred and sixty-six, robbery, twelve years; two thousand six hundred and seventy-one, Polimio (Indian), sent from Calaveras in eighteen hundred and sixty-four, murder, second degree, for life; two thousand eight hundred and fifty-eight, J. F. Shuler, sent from Butte County in eighteen hundred and sixty-four, robbery, ten years; two thousand eight hundred and ninety-seven, Ramon Culihuita, sent from Santa Barbara County in eighteen hundred and sixty-four, murder, second degree, thirteen years; two thousand eight hundred and sixteen, F. C. Coffman, sent from El Dorado County in eighteen hundred and sixty-four, murder, second degree, for life; two thousand one hundred and fourteen, Frank Smith, sent from Yuba County in eighteen hundred and sixty-one, burglary, fourteen years; three thousand six hundred and seventy, Ah Sam, sent from Alameda County in eighteen hundred and sixty-seven, assault to murder, ten years; four thousand eight hundred and four, C. W. Smith, sent from Mariposa County in eighteen hundred and seventy-one, man-

Pardons. slaughter, six years; three thousand four hundred and thirty-nine, José Gonzales, sent from Colusa County in eighteen hundred and sixty-seven, manslaughter, eight years; three thousand three hundred and twenty-five, John Jackson, sent from San Joaquin County in eighteen hundred and sixty-six, grand larceny, ten years; two thousand nine hundred and eighteen, Lewis Mahoney, sent from San Francisco in eighteen hundred and sixty-five, grand larceny, ten years; two thousand four hundred and eleven, Andreas Galindo, sent from Tuolumne in eighteen hundred and sixty-two, murder, second degree, twenty years; three thousand and twenty-two, John McDonald, sent from Nevada County in eighteen hundred and sixty-five, arson, ten years; four thousand nine hundred and twenty-one, William Hoffman, sent from Alameda County in eighteen hundred and seventy-one, burglary and grand larceny, five years; four thousand two hundred and eighty-two, John Daley, sent from San Francisco in eighteen hundred and sixty-nine, robbery, three years; four thousand three hundred and ninety-two, Henry Doty, sent from Yolo County in eighteen hundred and seventy, grand larceny, three years; James Tevis, sent from Colusa County in eighteen hundred and sixty-eight, murder, thirty years.

No. XVII.—*Senate Concurrent Resolution No. 8.*

[Adopted February 27, 1872.]

Preamble. WHEREAS, It appears from inquiry made upon the authority of that able and accomplished scientist, Professor George Davidson, of the United States Coast Survey, that the emptying of the San Diego River into San Diego Bay will and must, sooner or later, cause such deposits of sand to accumulate in said bay as to seriously affect the navigation, and thus prove detrimental to the efficiency and capacity of the harbor of said city; and whereas, further, Professor Davidson asserts that no grave engineering difficulties had to be overcome, nor great expense to be incurred, for turning the said river into False Bay; therefore, be it

Outlet of
San Diego
River.

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to use all proper diligence in order to secure an appropriation from Congress for the purpose of having the course of the San Diego River changed from its present river bed and outlet in San Diego Bay, into its former outlet and channel near the mouth of False Bay.

Resolved, That his Excellency, the Governor, be and is hereby requested to transmit a copy of the preamble hereto, and this resolution, to each of our Senators and Representatives in Congress.

No. XVIII.—*Senate Concurrent Resolution No. 39, in relation to the construction of a seawall to form a breakwater, to provide a place of refuge for vessels coasting on the North Pacific Ocean, on the coasts of California and Oregon.*

[Adopted March 4, 1872.]

WHEREAS, There are no reliable harbors for vessels during the Preamble. Winter season when southerly gales prevail, between San Francisco and Columbia River, and as Trinidad Harbor is about midway between the places and easy of access, and would afford shelter for vessels in case of need from the many ports in Mendocino and Humboldt Counties, or vessels in distress on the coast; therefore,

Resolved by the Senate, the Assembly concurring, That our Senators in the United States Senate be instructed and our Representatives in Congress requested to procure an appropriation to commence the construction of said seawall or breakwater in Trinidad Harbor, State of California. Trinidad Harbor.

Resolved, That the Governor of this State be requested to forward a copy of the foregoing preamble and resolution to our Senators and Representatives in Congress.

No. XIX.—*Assembly Joint Resolution No. 25, relative to a semi-weekly mail route from Red Bluff, Tehama County, to Shasta City, Shasta County.*

[Adopted February 20, 1872.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence to procure the establishment of a semi-weekly mail route from the Town of Red Bluff, in the County of Tehama, California, via Roaring River, Janesville, Igo, Piety Hill, Horsetown, and Middletown, to Shasta City, in Shasta County, California. Semi-weekly mail route.

Resolved, That the Governor be requested to immediately forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. XX.—*Assembly Concurrent Resolution No. 3, instructing our Senators and requesting our Representatives in Congress to obtain the adoption of such treaty regulations and legislation as shall discourage Chinese immigration.*

[Adopted February 17, 1872.]

Preamble. WHEREAS, The presence in our midst of a large number of Chinese, who are incapable of assimilation with our own race, ignorant of the nature and forms of our Government, and who manifest no disposition to acquire a knowledge of the same, or to conform to our habits, manners, and customs, is a serious and continuing injury to the best interests of the State; and whereas, their employment, under the plea of cheap wages, is offensive to the exalted American idea of the dignity of labor, detrimental to the prosperity and happiness of our own laboring classes, and an evil which should be abated; therefore, be it

Chinese
immigra-
tion.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence, and urge upon the Federal Government the adoption of such treaty regulations and legislation as shall discourage their further immigration to our shores.

Resolved, That the Governor be requested to forward a copy of this preamble and these resolutions to our Senators and Representatives at Washington, without delay.

No. XXI.—*Substitute to Senate Concurrent Resolution No. 3, relative to requesting Congress to raise the weight of silver coin.*

[Adopted March 1, 1872.]

Preamble. WHEREAS, It is of the utmost importance to the workingman, farmers, and traders of the Pacific States and Territories that the silver coin of the United States should be raised to the value expressed upon its face; therefore, be it,

Silver coin. *Resolved* by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to urge upon Congress the early passage of a law for raising the weight of silver coin to the standard of the year eighteen hundred and fifty.

No. XXII.—*Senate Concurrent Resolution No. 23.*

[Adopted March 1, 1872.]

WHEREAS, Union, justice, the general welfare, and the preservation of liberty constitute the declared purposes of the Constitution and of the people of the United States; whereas, their great purposes can be fully achieved only when the people shall become universally intelligent and therefore universally educated; whereas, notwithstanding the donation by Congress, to some of the States and Territories, of seventy-eight million five hundred and seventy-six thousand eight hundred and two acres of the public lands for educational purposes alone, it appears that the proportion of illiterate population is steadily on the increase; that a vast portion of the children and youth of the Republic are still destitute of adequate means of education; that education in the United States at large is still in its infancy and sadly neglected; whereas, the frightful maladministration of the public lands given by Congress to States and Territories for purposes of education alone has deprived the people of those States and Territories of much of this great resource for the education of their children, entailing the evils of land monopoly and its consequence, viz: a scattered population, too far separated from each other to be able to combine themselves into school districts, and too poor to establish private schools; whereas, it is self-evident that the right of suffrage has for its corollary the duty of education; that to extend political power to a whole people and allow them to remain ignorant is to commit political suicide; that a civic support of education requires as its corollary the instruction of the individual citizen; that an uneducated people endowed with absolute political power is an anomaly in the highest degree dangerous to the liberty, the peace, and the prosperity of a nation; whereas, the power over education is one of the powers of public policy belonging essentially to government; therefore,

Resolved by the people of the State of California, represented in Senate and Assembly, That our Senators in Congress be instructed and our Representatives requested to use their influence to secure the passage of an Act donating the net proceeds of the sale of the public lands of the United States to the several States and Territories in which such lands are situated, for the support of common schools therein, the sums arising from the sale of lands in each State to be invested in United States bonds, and the interest accruing annually on said bonds to be disbursed under the authority and direction of the State, in the support of common schools.

Resolved, That His Excellency, the Governor, be requested to forward a copy of the forgoing resolution to each of our Senators and Representatives in Congress.

Public
lands and
common
schools.

No. XXIII.—*Senate Joint Resolution No. 1, relative to restoring public lands within the twenty mile limits of the Placerville and Sacramento Valley Railroad to homestead and preëmption.*

[Adopted March 1, 1872.]

Preamble. WHEREAS, On the thirteenth day of July, eighteen hundred and sixty-six, Congress passed an Act entitled "An Act granting aid in the construction of a railroad and telegraph line from the Town of Folsom to the Town of Placerville, in the State of California," in pursuance of which Act all the odd numbered sections within twenty miles of the line of said railroad were withdrawn by letter of the Commissioner of the General Land Office, dated August twenty-ninth, eighteen hundred and sixty-seven, from "sale or location, preëmption or homestead entries;" and whereas, by the terms of said Act it is provided to the effect that in case of failure to commence said railroad within one year of the passage of said Act, or of failure to complete the whole of said railroad by the fourth day of July, eighteen hundred and sixty-nine, that the title to all said lands so granted should revert to the United States; and whereas, since the passage of said Act said railroad has not been completed, nor has any portion of the same been constructed; and whereas, by letter dated November twenty-second, eighteen hundred and sixty-nine, the Commissioner of the General Land Office decided that said grant could not be restored to the public domain without further legislation by Congress; therefore be it

Subsidy to
Placerville
and
Sacra-
mento
Valley
Railroad.

Resolved by the Senate, the Assembly concurring, That in case said Placerville and Sacramento Valley Railroad is not completed on or before the first day of January, A. D. eighteen hundred and seventy-three, that our Senators be instructed and our Representatives in Congress be requested to introduce and use their influence to procure the passage of such joint resolution or Act of Congress as may be necessary to secure the immediate restoration to the public domain of all lands withdrawn for the purpose of aiding the construction of the Placerville and Sacramento Valley Railroad.

Resolved, That the Governor is hereby requested to forward a duly certified copy of these resolutions to each of our Senators and Representatives in Congress.

No. XXIV.—*Assembly Joint Resolution No. 24—In reference to a mail route from Red Bluff, etc.*

[Adopted February 19, 1872.]

WHEREAS, The Congress of the United States did, on or about the — day of —, A. D. eighteen hundred and fifty-five,

establish by Act a daily mail route from Lincoln, California, Preamble. via Red Bluff, Shasta City, Trinity Center, Callahan's Ranch, and Fort Jones to Yreka, and the said daily mail was carried over said route until the year eighteen hundred and seventy-one—about sixteen years—during which time delays of not more than three days at any one time ever occurred; and whereas, a change was made from the route above described to the "Sacramento River route" about the month of May, eighteen hundred and seventy-one, during which time delays of ten and fifteen, and as high as twenty-three days have occurred in transporting the mail over this route since the first of December, eighteen hundred and seventy-one, and there has been no mail whatever carried between Trinity Center and Callahan's Ranch, as it was contracted for by the company now carrying the mails, since said twenty-eighth day of May, eighteen hundred and seventy-one, and a party desiring to send a letter from Trinity Center to Callahan's Ranch, a distance of thirty-two miles, must send such letter south one hundred miles, thence northeast one hundred and sixty miles to Yreka, thence southwest forty-five miles to Callahan's Ranch, a total distance of three hundred and five miles; and whereas, the census report shows a population of twenty-four thousand and seventy inhabitants in the Counties of Shasta, Trinity, Klamath, Siskiyou, Del Norte, and Humboldt, who heretofore have received their mails over the route which was established as a daily route in eighteen hundred and fifty-five; and whereas, the increase of travel and of business make it necessary for public convenience to have both the "Sacramento River route" and the route via Red Bluff and Shasta to Callahan's Ranch and Yreka, in active operation, and for mails to be carried over them both; therefore be it

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence to procure the establishment of a daily mail from the Town of Red Bluff, via Cottonwood, Shasta City, Whisky Town, Tower House, French Gulch, Trinity Valley, Trinity Center, New York House, Callahan's Ranch, Ohio House, Hartstrand's Station, Etna Mills, Crystal Creek, Scott Valley, Fort Jones, Gordon's Mills, and Forest House, to Yreka. Daily mail route.

Resolved, That his Excellency, the Governor, be requested to forward a copy of these resolutions to the Postmaster General of the United States and to each of our Senators and Representatives in Congress.

No. XXV.—*Senate Joint Resolution No. 7.*

[Adopted March 11, 1872.]

Preamble. WHEREAS, We are fully assured that the following statements are true: that the inhabitants of the Territory of Arizona are now, and for years past have been, the victims of the most cruel outrages at the hands of the Apache Indians. That hundreds of them, including women and children, have been murdered by these savages within the last few years. That neither homes nor property in that Territory, outside its principal towns, are safe from savage incursion. That in but exceptional places can any high road be traveled without great danger. That many of the citizens of our own State, while there on business, have fallen victims to these Indians. That at no time in the history of that Territory have the Indians been more hostile, or the lives and property of the people less safe, than within the past two months. That the Nation is rich enough to afford and strong enough to enforce protection to its people living in its own territory and under its own flag, as well as to those abroad in other lands. That for the murder of the fewest number of its citizens who have been slain by these savages in Arizona in any two months in the last two years, the United States Government would have declared war against every power in Europe had its citizens been so murdered there for want of proper protection from European powers. That the feeling and belief is universal on the part of the people of this State, and, we believe, of the Pacific slope, that when General Crook was sent to Arizona he was the right man in the right place; that he is as humane as energetic, and that if allowed sufficient means and given the discretion to which his experience in the management of Indian affairs entitle him, and not interfered with in his operations, he will, in a brief period, arrest this reign of terror and blood, and give security to the long suffering people of this Territory; and whereas, we do most seriously believe that in all the land, no such prompt and efficient measures are required for the protection of our people as in the Territory of Arizona; therefore, be it

Arizona. *Resolved* by the Senate, the Assembly concurring:

First—That it is the duty of the Government of the United States to give the most prompt and efficient protection to the people of Arizona against the Apache Indians. That all attempts to treat with or otherwise to appease them, until they are made to feel the power of the Government, will prove futile in the future as they have in the past, and must result only in encouraging these savages to continue deeds of carnage.

General Crook. *Second*—That in no other way can this protection be so promptly and efficiently extended to our suffering brethren in Arizona as by furnishing General Crook with ample means and by giving him the largest discretion in the course to be pursued toward the savages.

Third—That the President of the United States be and he is hereby urged and implored to prevent further interference with the military operations of General Crook, otherwise than by aiding his designs, until these savages are subdued and the people of Arizona are made secure in their lives, homes, and property. Apache
Indians.

Fourth—That his Excellency, the Governor of this State, be requested to telegraph these resolutions and the preamble to the same to the President of the United States; that he cause to be sent copies of the same to each of the Senators and Representatives in Congress of the Pacific States and Territories, and to each of the Governors of the same, and that our Senators in Congress be instructed and our Representatives requested to urge upon the Government at Washington such action in the premises as is indicated by these resolutions.

No. XXVI.—*Assembly Joint Resolution No. 17, instructing our Senators and requesting our Representatives in Congress to urge the establishment of a tri-weekly mail from Cache Creek, in Yolo County, to Capay, Yolo County.*

[Adopted February 12, 1872.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence to procure the establishment of a tri-weekly mail from Cache Creek, in Yolo County, to Capay, in said county, and the establishment of a Post Office at Capay. Tri-weekly
mail route.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. XXVII.—*Senate Joint Resolution No. 4, relative to arms issued to the State of California by the United States Government.*

[Adopted February 3, 1872.]

WHEREAS, A certain quantity of arms, valued at nearly three hundred thousand dollars, was issued to the State of California by the General Government during the late civil war for the maintenance of the Government and the preservation of the Union; and whereas, the said arms at the time of issue were of inferior quality and pattern, and very shortly after the receipt of same by the proper State officers, some of the arms and munitions of war were destroyed by fire at Sacramento City, which fire was due to incendiarism, and large sums of money were expended by the State for the purpose Preamble.

of restoring said arms, etc.; and whereas, the State had these arms charged to her account of annual quota of arms due under Act of Congress of date April twenty-third, eighteen hundred and eight; and whereas, some relief is necessary, as it will take many years for the annual amount credited to the State of California to balance this large extra expenditure; therefore, be it

Quota of
arms.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to immediately take such proper action, by bill or otherwise, as may seem best, to have the State of California relieved from this debt, and to have all arms issued to our said State during the late civil war credited to the State in full.

Resolved, That his Excellency, Governor Newton Booth, be requested to immediately forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

No. XXVIII.—*Assembly Joint Resolution No. 23, relating to making San Diego a port of entry.*

[Adopted February 24, 1872.]

Port of
entry.

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use all proper efforts to have the City of San Diego declared and made a port of entry under the laws of the United States.

Resolved, That his Excellency, the Governor, be and he is hereby requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

No. XXIX.—*Assembly Joint Resolution No. 22, relative to authorizing the Secretary of State to destroy certain canceled claims, etc.*

[Adopted February 7, 1872.]

Preamble. WHEREAS, The canceled claims funded under an "Act to provide for paying certain equitable claims against the State of California and to contract a funded debt for that purpose," approved April twenty-eighth, eighteen hundred and fifty-seven, were so damaged by the flood of eighteen hundred and sixty-two as to be valueless as a part of the archives of this State; now therefore,

Resolved by the Assembly, the Senate concurring, That the Secretary of State be authorized to destroy said canceled claims, in such manner as he may deem best. The Secretary, after making such destruction, to report his proceedings under this resolution to the Governor of the State, such destruction to be made in the presence of the State Board of Examiners.

No. XXX.—*Assembly Joint Resolution No. 12.*

[Adopted January 30, 1872.]

Resolved by the Assembly, the Senate concurring, That our Senators be instructed and our Representatives requested to urge upon Congress the necessity of abolishing the duty on quicksilver.

Resolved, That the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

No. XXXI.—*Assembly Joint Resolution No. 6, instructing our Senators and Representatives in Congress to urge the establishment of a mail route from Weaverville, Trinity County, to Trinity Centre, Trinity County.*

[Adopted December 21, 1871.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence to procure the establishment of a weekly mail route from the Town of Weaverville, Trinity County, via Minersville, to Trinity Centre, Trinity County.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. XXXII.—*Substitute for Assembly Joint Resolution No. 4, relative to instructing our Senators and requesting our Representatives in Congress to urge the establishment of weekly mail from Millville, in Shasta County, to Lake City, in Siskiyou County.*

[Adopted January 26, 1872.]

Preamble. WHEREAS, The extensive and fertile valleys lying between Shasta City, in Shasta County, California, and Lake City, Siskiyou County, in said State, embracing a distance of nearly two hundred and fifty miles, contain about two thousand inhabitants, and is being rapidly settled by an intelligent and permanent population, with towns and trading posts established at convenient distances; and whereas, there are at present no postal facilities afforded, and no provision made by the Post Office Department of the General Government for the transmission of the mails along said route, and between Shasta City and Lake City; therefore, be it

Weekly mail route. *Resolved* by the Assembly, the Senate concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence to procure the establishment of a weekly mail from Shasta City, Shasta County, via Millville, Phillips Ranch, Round Mountain, Luttrell's Ranch, Caton's Valley, Birney's Valley, Birney's Falls, Pitt River, Bengettville, Fall River Valley, Big Valley, Davidson's Ranch, Mayfield's Mills, Whitley's Crossing, Pitt River, Ash Creek, Adin, McDevitt's Mills, Townsend's Ranch, Steel Brothers Ranch, Hot Spring Valley, Butte Mountain, Dorrisburg, Franklin Store, Goose Lake, Ford Bidwell, to Lake City, Siskiyou County, California, and the establishment of Post Offices along said route.

Resolved, That his Excellency, Governor Newton Booth, be requested to forward a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress at as early a day as possible.

No. XXXIII.—*Assembly Joint Resolution No. 5.*

[Adopted January 12, 1872.]

Tri-weekly mail route *Resolved* by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives requested to use all honorable means in their power to procure the early establishment of a tri-weekly mail from the City of San Diego to the Town of Julian, in the County of San Diego.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

No. XXXIV.—*Senate Concurrent Resolution No. 21, relative to the establishment of a mail route from Lake Valley, El Dorado County, California, to Genoa, in the State of Nevada.*

[Adopted January 23, 1872.]

WHEREAS, A large and fertile valley known as "Lake Valley," Preamble.
lying between the summits of the Sierra Nevadas in El Dorado County, California, and containing a permanent population of about one hundred, which is increased during the Summer months to several hundreds; and whereas, the inhabitants of said valley are without any postal facilities, the nearest Post Offices are, one in the City of Placerville, El Dorado County, a distance of sixty-five miles, and one in Genoa, State of Nevada, a distance of twenty miles; therefore be it

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed and our Representatives ^{Weekly mail route.} requested to use their influence to procure the establishment of a weekly mail from Lake Valley, El Dorado County, California, to Genoa, in the State of Nevada.

Resolved, That his Excellency, Governor Newton Booth, be requested to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives at as early a day as possible.

No. XXXV.—*Assembly Concurrent Resolution No. 20, relative to authorizing the Enrolling Clerk of the Assembly to correct the title of Assembly Bill No. 110.*

[Adopted February 16, 1872.]

Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be authorized to correct the title of Assembly Bill No. 110—An Act to amend an Act entitled an Act concerning roads and highways in the County of Mendocino, approved March, A. D. eighteen hundred and sixty-eight, amended February, A. D. eighteen hundred and seventy—by inserting after the word "March" the word "twenty-eighth," and after the word "February" the word "nineteenth." ^{Assembly Bill No. 110.}

No. XXXVI.—*Senate Concurrent Resolution No. 24.*

[Adopted January 25, 1872.]

Resolved by the Senate, the Assembly concurring, That a Japanese committee of five be appointed by the President of the Senate ^{Embassy.}

and the Speaker of the House to invite the Japanese Embassy, now in San Francisco, to visit the State Capital at such time as may suit their convenience.

No. XXXVII.—*Assembly Concurrent Resolution No. 32.*

[Adopted March 27, 1872.]

Statistical
reports.

Resolved by the Assembly, the Senate concurring, That the Sergeant at Arms be and is hereby authorized to furnish the California Immigrant Union with one thousand copies of the Report of the State Surveyor General, for circulation; *provided*, there are that number of copies already printed.

No. XXXVIII.—*Senate Concurrent Resolution No. 42.*

[Adopted March 4, 1872.]

Preamble. WHEREAS, By an Act of Congress the Secretary of War was authorized to establish a system of signal service stations throughout the United States; and whereas, the State Agricultural Society, at its annual meeting on the twenty-fourth day of January, unanimously adopted the following preamble and resolutions, reported by Doctor T. M. Logan, Chairman of the committee to whom the subject was referred, viz:

Signal
service.

Whereas, From the success which has attended the operations of the signal service in predicting storms on the Pacific Coast it is evident that additional benefits may be secured by an increase of the number of stations; therefore,

Sacra-
mento.

Resolved, That the State Board of Agriculture be requested to memorialize Congress, urging the necessary appropriations for such increase of stations, and that proper representations be made to the War Department in favor of one of these stations being located at Sacramento, it being a central point, both geographically and climatically.

Therefore, be it

Resolved by the Senate, the Assembly concurring, That Congress be requested to make the necessary appropriations in conformity with the above resolution.

Resolved, That the Governor is hereby requested to transmit a copy of the foregoing to the Secretary of War and also to each of our Senators and Representatives in Congress.